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Canada Royal commission on
pilots

Hearings 1964

nos 107-110



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ROYAL COMMISSION

ON

46

PILOTAGE

HEARINGS

HELD AT

MONTREAL

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held in the Windsor Hotel,
Montreal, Quebec, on
Thursday, February 13, 1964

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois, K.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of the Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots.
Mr. J.N. Jacques	For National Harbour Board



INDEX TO WITNESSES

NAME

PAGE

COLLEY, HERBERT, recalled

Cross-Examination by Mr. Lalonde 13322
Cross-Examination by Mr. Langlois 13322

BEAUDET, GUY, Sworn

Direct Examination by Mr. Brisset 13368
Direct Examination by Mr. Jacques 13375
Cross-Examination by Mr. Lalonde 13379
Cross-Examination by Mr. Langlois 13396
Cross-Examination by Mr. Jacques 13415
Re-Direct Examination by Mr. Brisset 13416
Further Cross-Examination by Mr. Langlois 13417

PARSONS, FREDERICK LESLIE, Sworn

Direct Examination by Mr. Brisset 13423
Cross-Examination by Mr. Lalonde 13442
Cross-Examination by Mr. Langlois 13443
Cross-Examination by Mr. Jacques 13445

COLLEY, HERBERT, recalled

Cross-Examination by Mr. Langlois (Cont'd) 13449A
Further Cross-Examination by Mr. Lalonde 13456
Direct Examination by Mr. Jacques 13465
Further Cross-Examination by Mr. Langlois 13468
Re-Direct Examination by Mr. Brisset 13471

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INDEX TO EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
950	Correspondence between Montreal Harbour Board and Pilotage Authority concerning investigations and sanctions against pilots.	13387
951	Specimen of Saguenay pro forma time charter party.	13427
952	Notes of Mr. H. Colley on how to establish a fair remuneration for pilots.	13471

* * * * *



Montreal, Quebec,
Thursday,
February 13, 1964.

English

13322

---Upon resuming at 10.00 a.m.

HERBERT COLLEY, recalled, sworn

CROSS-EXAMINATION BY MR. LALONDE (Cont'd):

Q. Would you say that the average earnings of the members of the Pilotage Committee were higher or lower than the pilots on the St. Lawrence River?

MR. BRISSET: I must object to that question, my lord; I do not see its relevance in relation to your terms of reference.

MR. LALONDE: I will explain its relationship. I submit that the day the earnings of the St. Lawrence River Pilots have come closer to certain of the Shipping employees in the Pilotage Committee, that is the day when the greatest care and attention has been brought to the earnings, through discussions.

MR. BRISSET: I am afraid Mr. Lalonde may have a very unpleasant surprise if he pursues the subject.

THE CHAIRMAN: No; I don't think it has any bearing on the case, so the objection is granted.

MR. LALONDE: I have no further questions.

THE CHAIRMAN: Mr. Langlois?

CROSS-EXAMINATION BY MR. LANGLOIS:

Q. Mr. Colley, would you mind telling us again the year in which you started as Chairman of



1 the Pilotage Committee of the Shipping Federation of
2 Canada?

3 A. I believe it was in 1960.

4 Q. Were you a member of the Shipping
5 Federation before that year?

6 A. Yes, I was.

7 Q. How long have you been a member of
8 the Shipping Federation?

9 A. I have been a member in my present
10 capacity - that is, my present firm -- since 1958;
11 but I was also the delegate or representative of Kerr
12 Steamships in the Federation from 1947 onwards.

13 Q. So am I right in assuming that even
14 prior to 1960, when you weren't Chairman of the
15 Pilotage Committee, you had a good knowledge of what
16 was going on in the Shipping Federation in connection
17 with Pilots in the St. Lawrence River?

18 A. Yes; not so specifically until I
19 actually got into the Pilotage Committee.

20 Q. Am I right also in assuming that in
21 the exercise of your function from 1947 to 1960 you
22 had a very good knowledge of pilotage in general on
23 the St. Lawrence River and the conditions under which
24 the Pilots were performing their function?

25 A. A general knowledge, yes; that is true.

26 Q. Before you became a member, or repre-
27 sentative of a member, of the Shipping Federation did
28 you have any experience in connection with the employ-
29 ment of pilots in the St. Lawrence, including the Lakes?

30 A. Prior to 1947?



1 English

2 Q. Yes.

3 A. I must have had some association with, or
4 knowledge of it in so far as I was in the shipping
5 business.

6 Q. Mr. Colley, when you took over as
7 Chairman of the Pilotage Committee of the Shipping
8 Federation I assume that you went back into the files
9 of the Federation to find out what had taken place
10 before your term of office?

11 A. Not necessarily, Mr. Langlois.

12 Q. Did you not, generally speaking, acquaint
13 yourself with the prior situation?

14 A. Not in great detail, no.

15 Q. Have you, in the exercise of your
16 functions as Chairman of the Pilotage Committee,
17 endeavoured to acquaint yourself with conditions
18 which obtained in the pilots in Canada, in the St.
19 Lawrence River in particular, prior to your term of
20 office as chairman of the Pilotage Committee?

21 A. To a certain extent, yes.

22 Q. Would you know, for example, what were
23 the conditions in this sphere of activity during the
24 war years, on the St. Lawrence River?

25 A. No, I don't know specifically.

26 Q. You told us yesterday that you had
27 submitted proposals in regard to the so-called target
28 income for pilots. I imagine that before making such
29 a proposal you must have given consideration to what
30 the earnings of pilots were prior to your term of



1 English

2 office as chairman of the Pilotage Committee?

3 A. To a certain degree, yes.

4 Q. So to a certain degree you acquainted
5 yourself with what the situation was. Did you find
6 out, for example, what were the average earnings of
7 pilots during the years on the St. Lawrence?

8 A. No.

9 Q. After the war, from 1946 on?

10 A. No, I couldn't tell you that.

11 Q. Was it ever brought to your knowledge
12 that the earnings of pilots on the St. Lawrence River
13 during the war were far below what could be considered
14 reasonable wages?

15 A. No.

16 Q. Has it ever been brought to your know-
17 ledge that during that period pilots had even to sell
18 their homes in order to make a living?

19 A. No.

20 Q. Do you know, for example, that during the
21 war the St. Lawrence Pilots, even although there was
22 no traffic offering, were requested to stay on the job
23 as part of their war effort?

24 A. No.

25 Q. Did you know that the same situation
26 obtained after the war in Halifax?

27 A. No.

28 Q. On account of the fact that during the
29 war, due to the tremendous increase of traffic in the
30 Port of Halifax as a result of the war activities, the



1 English
2 number of pilots was increased, and consequently after
3 the war there were too many pilots for the traffic
4 operating, and that the earnings of the average pilot
5 went down below a reasonable level of wages? Do
6 you know of that situation?

7 A. No.

8 Q. Even if you don't know of the situation
9 -- which, incidentally, prevailed on the West Coast
10 also -- even although you don't know of the situation
11 do you think that such a situation would be worth
12 while taking into consideration before establishing
13 the so-called target income for the future?

14 A. I don't see the connection, Mr. Langlois.

15 Q. Would not this target income system
16 have to be worked out over a certain period of years?

17 A. It would have to be worked out, yes,
18 on a long-range basis, certainly.

19 Q. Would it not be necessary, with such
20 a system, to take into account all the eventualities
21 that I have just mentioned?

22 A. Yes, I think I reviewed that the other
23 day.

24 THE CHAIRMAN: The target income pro-
25 vides for a minimum, so if the revenue -- if the income
26 -- is below the target income then the pilots would
27 be paid the minimum. It is a security, as I under-
28 stand it.

29 MR. LANGLOIS: That is the interpreta-
30 tion which has been given to the proposal by the witness,



1 English
2 but I am going to examine him on the background and
3 probably we will find out that this was not what was
4 proposed, in fact, to the Department.

5 Q. Is it within your knowledge that such
6 a proposal of a target income was made during the war
7 years by the Shipping Federation?

8 A. Not to my knowledge.

9 Q. Now, I assume, Mr. Colley, that you
10 have the opinion that the Pilotage services are neces-
11 sary in the St. Lawrence River, generally speaking, at
12 least?

13 A. They are certainly a convenience and
14 a service which the shipping interests want to have, yes.

15 Q. And I assume that you would be in agree-
16 ment with me when I say that the shipping industry
17 should be able to depend on highly qualified and
18 dependable pilots?

19 A. Very much so.

20 Q. And I assume, also, that the Shipping
21 Federation considers it essential, in order to get
22 dependable pilots and qualified pilots, that there
23 will be some attraction to the profession?

24 A. Yes.

25 Q. Would you agree with me that the profes-
26 sion of pilots is not an easy one?

27 A. Not easy? That is a relative statement.

28 Q. For example, is it not a fact that
29 pilots are able to qualify as such at a much older
30 age than that at which normal professional men are able



1 English
2 to qualify in their own spheres, due to the long
3 training -- apprenticeship -- that they have to go
4 through before becoming pilots? Would you agree to
5 that?

6 A. If I understand the question correctly,
7 you are saying that it takes a long time for a man to
8 qualify to become a pilot? / ^{Q.} Do you know that the
9 average age at which pilots are admitted as such in
10 their profession now varies between thirty and thirty-
11 two years of age?

12 A. No, I don't know that precisely.

13 Q. You don't know of that?

14 A. I don't know that precisely.

15 Q. Do you know that up to a few years
16 ago there was an age limit fixed after which you
17 couldn't even become an apprentice pilot?

18 A. It is possible. I don't know specifi-
19 cally, no.

20 Q. Would you say - you have said that
21 you didn't know -- but if you had this knowledge,
22 assuming that the average age at which pilots
23 are called as such -- qualified as such -- today is
24 between thirty and thirty-two -- assuming that this
25 is the fact, would you say that this is away above
26 the average age at which, normally, a professional
27 man can expect to be admitted in his profession?

28 A. I would have to question why it is
29 necessary. I wouldn't like to go on that assumption.

30 Q. Do you know the qualifications for



1 English

2 the apprenticeship -- the number of years that a future
3 pilot has to be an apprentice before he is qualified
4 as a pilot?

5 A. I know there are requirements and
6 it varies in different Districts and that it varies
7 from one section of Canada to another.

8 Q. Has it ever been brought to your
9 knowledge, or have you found out yourself from your
10 study of pilots on the St. Lawrence that there are
11 many cases where a young man, desirous of becoming a
12 pilot, after having obtained sea qualifications
13 and after having gone through the apprenticeship
14 years necessary for this purpose, finds himself
15 barred from becoming a pilot because there is no
16 opening, or barred by his age from becoming a pilot?

17 A. I think it is fairly obvious, with the
18 knowledge of the pilots that can be used in the St.
19 Lawrence, that a far greater number could actually
20 qualify and it is, therefore, very understandable that
21 those who would like to get into the Pilotage Service
22 can't do so.

23 Q. Are you aware of the fact that in the
24 majority of cases pilots in the past have had to spend
25 between ten and fifteen years as apprentices before
26 they are called in as pilots?

27 A. I would say it is too long.

28 Q. But it has been in the past -- you
29 know that?

30 A. I would accept that. I don't know



1 specifically, but I would agree that that is possible,
2 but I don't think it is right.

3 Q. Now, do you know as a fact, also, that
4 the calling of the pilot to his profession depends not
5 only on the openings in his profession -- the possi
6 bility of his employment as a pilot, but also on
7 his physical condition?

8 A. I would certainly hope so.

9 Q. Do you know if it is possible -- and
10 it has happened in the past-- even after having gone
11 through these years of apprenticeship candidates
12 have been barred from becoming pilots on account of
13 bad eyesight, for example, or other health conditions?

14 A. I would suggest that there must be
15 something wrong with
16 screening or the selective system in the first place.

17 Q. Is it not a human hazard that you must face
18 adverse health conditions as you grow older?

19 and that you must face as you grow older.

20 A. That is true; it can happen, but it
21 certainly should be kept to a minimum by proper and
22 selection.

23 Q. And do you know that before an appren-
24 tice is admitted as such - even the candidate to
25 apprenticeship -- he has to go through a medical
26 examination by medical officers of the Department of
27 National Health and Welfare of Canada?

28 A. I am aware of that, yes.

29 Q. Do you know that a pilot can be barred
30 from employment as such if, for example, his health
deteriorates to the extent that he is unable to fulfill



1 English

2 his job as a pilot?

3 A. It sounds reasonable.

4 Q. And do you know that the conditions
5 in this respect are pretty stringent and pretty hard
6 to meet?

7 A. They should be.

8 Q. Do you know, also, that pilots are
9 called upon to perform their duties away from home?

10 A. Yes.

11 Q. Do you agree with the fact that, once
12 he has to leave his home, he has to keep two homes,
13 and in this sense it is much more expensive to live
14 away from home than it is to live at home?

15 A. That is possible.

16

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1 (English)

2 Q. Do you know also that by the nature of
3 their work pilots are called upon and in the St. Lawrence
4 River particularly to exercise their functions as pilots
5 during night time?

6 A. Yes.

7 Q. On holidays and over weekends?

8 A. Yes.

9 Q. Do you know that in all spheres of
10 activity services performed in these conditions, at night,
11 during holidays and over weekends, receive additional
12 compensation. Do you know of that?

13 A. Do they receive additional compensation
14 for it?

15 Q. Yes.

16 A. No.

17 Q. You do not know, for example, that if
18 you call a stevedore to work on Sunday you have to pay
19 him double time?

20 A. Oh, yes indeed.

21 Q. Do you know the same thing for a
22 plumber who may have to come and fix your heating system
23 at home on a Sunday - that you have to pay him double
24 time?

25 A. I believe that would be the case, yes.

26 Q. Is it not a fact that it is a general
27 principle well admitted in the industry that any work
28 performed at night, over the weekend and during holidays
29 is entitled to additional remuneration?

30 A. That has been a requirement of labour,



1 (English)

2 yes. If you wish to classify pilots as "labour" I
3 would have to agree with you; otherwise no.

4 Q. You think that no consideration should
5 be given to work done at night and over holidays?

6 A. Of course, Mr. Langlois, all of these
7 things must be taken into consideration in considering
8 the remuneration that pilots should receive. Of course
9 it should; every one of them.

10 Q. Then am I right in assuming that you
11 agree with me when I say that all these special
12 conditions of employment as regards pilotage that I have
13 just enumerated should be taken into account in
14 establishing a so-called target income?

15 A. Very definitely; no question about it.

16 Q. Mr. Colley, is it not a fact that when
17 this proposal of target income was suggested there was
18 no question of guaranteeing a minimum of earnings for the
19 pilots, but rather that a provision was to be made that
20 the tariff will be readjusted from time to time in case
21 the earning yield from the tariff would not have been
22 sufficient to guarantee a minimum income for the pilots?

23 A. No. The guarantee was there for a
24 minimum. If the tariff did not produce sufficient, the
25 guarantee was there.

26 Q. I beg your pardon?

27 A. If the income from tariff was not
28 sufficient there was still a guarantee that the pilots
29 would receive the minimum. In other words, that money
30 would have to come from a source other than the tariff.



1 (English)

2 Q. Is it a fact that no provision was ever
3 suggested or was ever made as a means of raising this
4 additional revenue to compensate?

5 A. No; on the contrary this was discussed
6 and it was discussed with the Department of Transport at
7 the time. Several methods of covering this were
8 explored and this was no problem.

9 Q. Is it not a fact that there was never
10 any question of retroactivity? For example, suppose you
11 set a rate for this year to yield so much as target
12 income to the individual pilots and you find at the end
13 of the year there is not enough money; the pilot does
14 not receive the target income that they were supposed to
15 receive? Is it not a fact that no retroactivity has
16 been worked out in order to fill the gap and that the
17 pilot would have to be content for that year with the
18 salary he would have made?

19 A. No, that is not true.

20 Q. Have you seen the correspondence which
21 was sent by the Department of Transport to some of the
22 pilotage districts? Has this correspondence been brought
23 to your knowledge?

24 A. No, it has not.

25 Q. Am I to assume then, since there was no
26 mention in that correspondence of any guaranteed minimum
27 income, that there was some discussion between the
28 Shipping Federation and the Department of Transport of
29 which the pilots had no knowledge?

30 A. It is possible. I could not say.



1 (English)

2 Q. Do you think, sir, that the so-called
3 target income would provide the necessary incentive to
4 the pilots in order to keep your ships moving?

5 A. I would hope so. I would see no reason
6 why it should not.

7 Q. Do you realize, sir - and you must
8 realize that; you are a prudent ship operator - that
9 the pilot needs quite an incentive to work when, to keep
10 the ship going in fog, he carries on just the same whilst
11 knowing that at the same time he could be risking his
12 own livelihood through the loss of his licence if an
13 accident should happen?

14 A. You mean to imply, Mr. Langlois, that
15 a pilot make take more risks if he has the ability to
16 negotiate tariffs than he would do if he knew how much
17 money he was going to earn? I do not quite see the
18 connection - or probably I misunderstand your question.

19 Q. What I mean simply, Mr. Colley, is this.
20 Due to the fact that pilots are pretty well on their
21 own once they deal with your ship or my ship or anybody
22 else's ship on the river and when they encounter adverse
23 weather conditions such as fog they have a choice to
24 make. They could either drop the anchor and wait for
25 clear weather or decide to carry on with the voyage and
26 take your ship down into Quebec in time for example.

27 If there is no incentive for him to do that,
28 do you think he will take the chance of going through
29 adverse weather conditions, take the chance of running
30 your ship aground - because that is how is this risk when



1 (English)

2 you navigate in fog - if there is no incentive for him
3 to do so?

4 A. Your assumption is quite wrong in the
5 first place. The choice in this respect is the
6 captain's not the pilot's.

7 Q. Oh, you know the captain says nothing
8 and the pilot, once he is told: "She is all yours,"
9 she is all his as a matter of fact.

10 A. This again is a technical point and I
11 would not want to get into a debate on it. I can only
12 go on the advice of the technical people of my committee.

13 Q. I can tell you this. I do not want
14 to give evidence, but I have acted on so many inquiries
15 into shipping casualties that I can tell you that it is
16 the pilot who takes the decision and not the master in
17 general practice.

18 A. Well, from what I have heard, Mr.
19 Langlois, I imagine that you find all degrees of captains
20 and all degrees of pilots; so I do not see how you can
21 take a specific instance and say that this is the
22 general practice.

23 Q. Well, Mr. Colley, if this is your view
24 I would be very pleased, and the Commission might be
25 interested in your bringing forward some of your captains
26 who would come here and tell us that they would be ready
27 to go against the advice of the pilot in such conditions.

28 THE CHAIRMAN: On the other hand, we have
29 seen a case lately that was tabled here where the captain
30 was found negligent because the pilot was negligent.



1 (English)

2 MR. BRISSET: We have also been told yester-
3 day that when there is an accident it is not the pilot's
4 fault but the master's fault.

5 MR. LANGLOIS: Yes, but I do not see the
6 connection, My Lord. There could be cases where both
7 would be found to blame.

8 THE CHAIRMAN: That is all right, but the
9 captain is responsible. If the captain has nothing to
10 say I do not see how he can be held responsible for
11 negligence.

12 MR. LANGLOIS: Yes, I agree with you one
13 hundred per cent, but I do not agree with the statement
14 made by my learned friend. Even in the case of the
15 Roonagh Head for example we had ^{the} master and the chief
16 officer say they had nothing to reproach the pilot with;
17 they would have done the same thing themselves if they
18 had been on the bridge in fact - both of them.

19 THE CHAIRMAN: I was not there; I just read
20 the judgment.

21 MR. LANGLOIS: I was talking, My Lord, of
22 general practice. Anyway my friend is welcome to take
23 up my invitation to bring some of his captains forward
24 as witnesses that will tell that they would be ready to
25 go against the advice of pilots.

26 THE CHAIRMAN: That would not be the legal
27 situation but the situation in fact.

28 MR. LANGLOIS: Yes, the situation in fact;
29 that is what I had in mind.

30 Q. Mr. Colley, when you were first called



1 (English)

2 as a witness before this Commission in October - and
3 your evidence is supported at pages 8661 and 8662 of the
4 transcript of evidence - you agreed to file with your
5 specimens of disbursement account at least a scale of
6 agency fees. I do not know if I am mistaken, but I have
7 not seen any filing of this document.

8 A. No, I have not, and I might try to
9 explain my position in this regard. When I get into
10 these disbursement accounts I find I am looking over quite
11 a large area where practices differ and I could not see
12 entirely how this would give any consistency to the
13 programme.

14 I can explain, if it is of any help, typical
15 examples of what an agency fee would be - the range of
16 an agency fee in Montreal for example on a full cargo
17 of grain; but it is very difficult to submit any
18 standard scale that covers shipping in general.

19 MR. LALONDE: My Lord, I think the witness
20 has certainly mis-read or did not read at all the
21 transcript of evidence as to what was requested from
22 him and what were the orders of this Commission in this
23 respect, as to what he was called upon to bring at page
24 8660. He was not called upon to take it upon himself
25 to decide what was relevant or not. There were specific
26 orders here. He was asked to bring instances of
27 particular ships with all the costs relating to those
28 ships. When he is arguing that tariff agency fees and
29 all that may vary from ship to ship, that is quite true;
30 but that is not the reason why he should not have brought



1 (English)

2 these figures in connection with the ships, because the
3 ships he has taken are by no means necessarily typical.
4 They have a certain amount of cargo in them and cargo
5 varies from ship to ship, and the distances vary from
6 ship to ship.

7 There is even a cargo here which came from
8 Montreal with 71 tons of cargo. I am sure this is not
9 typical. The witness did not fear of bringing this
10 along and putting this in evidence.

11 MR. BRISSET: In all fairness, with respect
12 to that 71-ton cargo, the witness said that when you
13 realize that only that quantity of cargo had been put
14 in it would not be fair to assess pilotage charges
15 against those 71 tons to determine how much it was per
16 ton.

17 MR. LALONDE: It was nevertheless selected
18 and put in as an exhibit.

19 MR. LANGLOIS: Q. The agreement which I
20 received from the witness at page 8662 was after Mr.
21 Colley had been asked by me to bring in an example of
22 disbursement accounts with pilotage fees on Seaway tolls.
23 Then I have:

24 "(Q)Would it be too much to have other
25 port charges such as agency fees?

26 (A)In what respect - in respect of
27 specific voyages?

28 (Q)Yes.

29 (A)I could give you what is the standard
30 scale as far as - if you are talking



1 (English)

2 about tramp ships I could give you the
3 standard scale that is applicable."

4 MR. BRISSET: And then:

5 "THE CHAIRMAN: Don't complicate the
6 examples too much."

7 MR. LANGLOIS: The witness had agreed ---

8 MR. BRISSET: What is it that you want?

9 THE CHAIRMAN: I am sure that it would not be
10 a firm commitment. In any event, if you feel it is
11 necessary in the adjournment we will discuss that and if
12 you do not come to an agreement, again put it before the
13 Commission and we will make a ruling.

14 MR. LANGLOIS: Well, My Lord, in this
15 respect I just have this comment to offer. I am not
16 here to present the evidence on behalf of the Shipping
17 Federation, but it is their business if they want to tell
18 only half of the story.

19 THE CHAIRMAN: Well, we are going to take
20 whatever we have before us and if you think it is
21 necessary that this is brought up you had better do it;
22 otherwise nobody will. If you do not think it is
23 important, do not ask it.

24 MR. LANGLOIS: I have asked for it, My Lord.
25 I am faced with a refusal. I do not have the
26 information. Only the witness can recall it.

27 THE CHAIRMAN: If you want to have the
28 whole discussion take place before the Commission
29 I am just trying to be helpful in order not to burden
30 the record with unnecessary things. That is why I ask



1 (English)

2 that this be discussed during the adjournment. There is
3 no use arguing on a matter like that. It may be nothing
4 important at all. There is no use discussing that in
5 open court.

6 MR. LANGLOIS: I am sorry if I gave the
7 impression I wanted to discuss it. I just made a
8 comment, that is all, and I bow to your decision. My
9 Lord, I will have to leave part of my cross-examination
10 on this ground until the information is available.

11 Q. Mr. Colley, I will pass on to your
12 suggestion made, which is to be found in Exhibit 945,
13 regarding the constitution of the Board of Pilotage
14 Commissioners for Canada and the powers of the local
15 pilotage committee. Would you mind clarifying, Mr.
16 Colley, what you mean when at the bottom of page 2 - and,
17 My Lord, I am referring to this additional document which
18 was filed only a few days ago ...

19 THE CHAIRMAN: Exhibit 945.

20 MR. LANGLOIS: Q. You say that the Board of
21 Pilotage Commissioners of Canada would come under the
22 jurisdiction of the Minister of Transport or the
23 jurisdiction of his ministry just as the National
24 Harbours Board does come under the Minister's juris-
25 diction. Would you mind telling us what exactly you
26 mean by "under the jurisdiction"?

27 A. You are getting perhaps into a little
28 bit of a legal problem that I cannot answer technically,
29 but my understanding of it is that basically it would be
30 necessary for a minister and his department to be able



1 (English)

2 to put forward enabling legislation in the first place
3 and amendments thereto from time to time.

4 Q. I do not want you to get involved with
5 the legal technicalities; I know you are not a lawyer;
6 but do you have in your suggestion a recommendation in
7 mind that the Minister of Transport should be the supreme
8 authority and have the final say in pilotage matters?

9 A. Not to the extent of appealing decisions
10 on the administration of pilotage once the Act is
11 set up, no. This would be in the hands of the Board
12 of Commissioners and the Minister would only come into
13 the picture perhaps almost as a technicality for purposes
14 of the necessary legislation.

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1 (English)

2 Q. I see here that you refer in your
3 recommendation to setting up a Board similar to the
4 National Harbours Board. Is that what you have in
5 mind?

6 A. Yes.

7 Q. From what you told us yesterday, I take
8 it that the purpose of this is to take away the admin-
9 istration and operation of pilotage from the so-called
10 political considerations?

11 A. Yes.

12 Q. Do you mean to say by that that
13 decisions of the National Harbours Board are free from
14 political considerations?

15 A. Mr. Langlois, I don't think I am naive
16 enough to think that any part of this country or any
17 industry is free of political considerations. The only
18 thing one can hope to do is to minimise it. That is
19 our objective.

20 Q. Now, in going through your suggestions
21 as to the powers which are going to be entrusted to the
22 Board of Pilotage Commissioners in Canada, I see one
23 here that is H which to my mind, if I understand your
24 suggestion correctly, would be almost tantamount to
25 usurping some of the powers of the Federal Cabinet when
26 you state that the board should determine the amount -
27 the word "determine" is pretty strong - "to determine
28 what part of the cost of the service in each district
29 shall be borne by the users of the service and what part
30 shall be borne by the government as a public service to



1 (English)

2 shipping."

3 Do you not think this is a prerogative which
4 should be left to the Federal Cabinet or the Minister of
5 Finance?

6 A. Again without knowing all the technical-
7 ities of how these things operate, I would imagine that
8 would be automatic, for example, the National Harbours
9 Board, I believe, would operate through the Minister when
10 they obtain any revenues or if it is a capital expenditure
11 or something, they must go to Parliament or the Minister
12 before. The same would apply here so that the decision
13 would be something that would have to get approval from
14 a higher source.

15 Q. Probably the word "recommendation"
16 instead of "determine" might be a better expression,
17 that of recommending what part of the cost.

18 Now, in paragraphs A, B and C, I take it
19 that your recommendation is that the board should be
20 able to do away with, create, alter pilotage districts
21 at their will without regard to any higher authority or
22 to any legislative authority?

23 A. Yes.

24 Q. Indeed you say that of determining
25 whether the payment of pilotage dues would be compulsory.
26 There again you want to subtract the power from any
27 legislative authority in that respect; they to be the
28 supreme power to decide if payment of pilotage dues is
29 going to be compulsory. Is that what you have in
30 mind?



1 (English)

2 A. Yes.

3 Q. The same applies also to E as far as
4 exemptions are concerned?

5 A. Yes.

6 Q. Is that right?

7 A. Yes, correct.

8 Q. Now in G, if I understand your
9 recommendation correctly you are recommending that the
10 board be given power to determine the minimum and
11 maximum yearly earnings of the pilots. Don't you think
12 that there should be some built-in protection for the
13 pilots and for the shipping industry so that neither of
14 the group will be left to the arbitrary decision of the
15 board, which is pretty well the supreme authority in
16 pilotage matters?

17 A. I don't quite follow you. Can you
18 expand a little with an example of what you mean?

19 Q. For example, you have a board here
20 decide that pilotage dues are going to be doubled in the
21 St. Lawrence. What protection would you have in the
22 shipping industry?

23 A. We would not have very much.

24 Q. Do you want any protection in this
25 respect?

26 A. What you are suggesting now is that the
27 board might be irresponsible in this regard and there
28 should be a built-in protection. I would hardly think
29 so. The board, as we visualise it, has a very important
30 function and a very serious duty to perform and in



1 (English)

2 selecting the members of the Board and in giving them
3 the power, of course, this is the first thing that has
4 to be established and I don't see how you can start
5 nibbling away and say "Look, we set up a board. They
6 have power. They have a job to do but we are going to
7 put reins on them so they can only do this way and that."

8 I think what we would hope to have is a
9 thoroughly intelligent board with authority and full
10 freedom of action which can do this type of job
11 intelligently.

12 THE CHAIRMAN: What Mr. Langlois is suggest-
13 ing is whether there should be some principles attached
14 which should be included in the law?

15 THE WITNESS: In the matter of principle,
16 My Lord, I agree. There might be something there.
17 There might be something even from the point of view of
18 giving assurance to the pilots that any radical changes
19 that might take place insofar as the board has power to
20 change districts and so on, that there will be certain
21 securities still guaranteed to the pilots if any such
22 drastic decisions are taken.

23 THE CHAIRMAN: That would make some of the
24 difficulties ultra vires, for instance, if these
25 principles were to be established in law?

26 THE WITNESS: Yes.

27 THE CHAIRMAN: That would be a built-in
28 protection?

29 THE WITNESS: Yes. Of course, My Lord,
30 I don't think we were trying to make a detailed legal



1 (English)

2 document but to express the basic principles and of
3 course I would imagine that these ideas could be
4 expanded on very considerably.

5 THE CHAIRMAN: I was just trying to under-
6 stand what you mean by giving them wide power. How
7 wide should that be and the discretion? In any event
8 this would be done, you say, as long as there would be
9 some principles then it is a question of discussion later
10 on as to what they should be and the details of that?

11 THE WITNESS: Yes.

12 THE CHAIRMAN: But because you did say that
13 the board should have full power and discretionary power,
14 this may be dangerous at times.

15 MR. BRISSET: In certain matters it would be
16 dangerous, My Lord. In others that are purely perhaps
17 matters of detail they should not be hampered by too
18 many restrictions.

19 MR. LANGLOIS: Q. Do you know of any other
20 country where such a system is in operation or has been
21 tried in the past?

22 A. No, not specifically on a target income
23 basis. I believe there are many countries that in
24 effect have a civil service system which would be really
25 the ultimate of such a system as we have without providing
26 any incentive.

27 So, if the extreme system of a civil service
28 system can work then a modified system such as this
29 should be able to work also.

30 Q. Surely you must make a difference between



1 (English)

2 a civil service system and the one you are suggesting
3 here?

4 A. It is a difference in the word --
5 It is a difference in perhaps - "environment" is not
6 quite the word but it's the best I can think of at the
7 moment; environment of service because of the perhaps
8 disciplinary aspect of it; otherwise as far as the
9 mechanics and the economic side are concerned, I would
10 think it has many similarities.

11 Q. It has just been brought to my
12 attention that in reply to my original question you
13 mentioned the target system. And there was no mention
14 of it in my question. I wasn't talking about the target
15 system at all. I am asking you if you know of anywhere
16 else in the world where such a system as the one you are
17 suggesting here, the establishment of a Board of
18 Pilotage Commissioners with the powers that you are
19 recommending they should have, if you know of any other
20 example anywhere in the world where there is such a
21 system?

22 A. Mr. Langlois, there may be. I
23 personally cannot give you a "yes" or "no" answer to it
24 at this moment.

25 Q. Is it not a fact that when you make
26 reference or when you make a comparison between your
27 system here as suggested and a civil service system that
28 you must take into consideration the important factor
29 that in a civil service system anywhere in Canada would
30 be under direction of the Minister who in turn would be



1 (English)

2 responsible to Parliament?

3 A. I do not quite follow.

4 MR. LANGLOIS: Well, My Lord, I do not want
5 to go into a discussion of constitutional law in
6 Canada but, as Your Lordship knows, that is the system
7 under which we live in Canada. I don't think anybody
8 is prepared to change it overnight.

9 THE WITNESS: I will accept it, My Langlois.

10 MR. LANGLOIS: Q. Now, in part 2 of
11 Exhibit 945 you make recommendations as to the powers
12 of the local pilotage committees. And I read that these
13 committees shall have the power to determine qualifications
14 of pilots to be licensed and jurisdiction over the
15 licensing of pilots, the governing of pilots disciplinary
16 measures, the rates of payment to be made, the rules
17 governing pilots, adjustments of disputes and the
18 establishment of a pension fund. Am I to understand
19 that what you are suggesting is that all this is going to
20 be left to a local pilotage committee?

21 A. Yes.

22 Q. Without anything being written in the
23 law under the authority of Parliament?

24 A. Well, I don't quite know - I cannot
25 give you an answer as to what would be necessary but the
26 objective, Mr. Langlois, would be to give the local
27 committees just as much authority as possible because
28 we feel and we would have thought that the pilots would
29 agree with us, that it is important to have this
30 authority at the local level, where they will be in the



1 (English)

2 closest contact with conditions and the pilots themselves.

3 Now, this doesn't mean, of course, by any
4 stretch, that this is the final decision because if the
5 local committee cannot resolve the problems or disputes
6 then the Central Board would come into operation but we
7 would certainly hope that this would be a minimum under
8 such a system.

9 Q. What I have in mind, Mr. Colley, is:
10 is your suggestion to the effect that all these powers
11 should be given to local committee without having any
12 guarantees or at least limitations written into the law?

13 A. I cannot answer as to the technicalities.
14 The local committees have to operate under the by-laws
15 and to that extent their authority would be laid out.
16 Of course, these by-laws would basically be subject to
17 the approval or, let us say, the recommendation of the
18 Central Board and how this comes about -- I think we
19 touched on this yesterday -- I don't know the legal
20 implications but I am trying to answer your question.
21 It should be laid down what the limitations are.

22 Q. Before you made this recommendation
23 with regard to the local pilotage committees, have you
24 studied the experience in Canada with the local pilotage
25 commission such as we have known, for example, in
26 New Brunswick?

27 A. A local pilotage commission, what are
28 you thinking of, Mr. Langlois? Where in New Brunswick?

29 Q. Bathurst is one, Dalhousie is another
30 one.



1 (English)

2 A. No, I have not.

3 Q. I would suggest that you read the
4 transcript of the evidence to the Commission. There is
5 some very interesting information there to be obtained.

6 Now, have you considered the fact, before
7 making your recommendations, that the powers that are
8 suggested to be exercised by the local committees could
9 be presently exercised under the present legislation but
10 under the control of a Minister responsible to Parliament?

11 A. Yes, in theory.

12 Q. Do you know, for example, that under
13 the present law, under the Canada Shipping Act, the
14 Minister can delegate these powers to the extent of
15 even making a local superintendent of Pilotage, the
16 Pilotage Authority in the district?

17 A. No, but I will accept it if --

18 MR. LANGLOIS: Section 327, My Lord, of the
19 Act.

20 Q. Do you know again that under the
21 present legislation the pilotage authority, the Minister
22 can make by-laws and I quote the law, sub-paragraph b
23 of section 329 of the Act. "authorize the Pilotage
24 Authority to delegate to any person or persons, either
25 generally or with respect to any particular matter all or
26 any of the powers of such Pilotage Authority".

27

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1 (English)

2 THE CHAIRMAN: It might be interesting to
3 try to find out why these sections are never applied.
4 It might be something disadvantageous, just like the
5 Wreck Commissioners. There is something wrong in this
6 situation that the power is there but it is never used.
7 Why, I don't know. Is it because Ottawa wants to con-
8 trol everything from there? I don't know.

9 MR. LANGLOIS: That is why I decided to
10 go into ---

11 THE CHAIRMAN: I am glad you brought it up.

12 MR. LANGLOIS: I don't want to get into the
13 argument part of this hearing, but my interpretation of
14 the suggestions made - and the witness can correct me
15 if I am wrong - is that all the suggestions made could
16 very well be put into operation.

17 THE CHAIRMAN: Right now?

18 MR. LANGLOIS: Right now under the present
19 legislation.

20 MR. JACQUES: As, right now, under the
21 present legislation, we could even go further and suggest
22 that all Shipping Federation pilots could be made
23 employees of the Pilotage Authority under Section 329.

24 THE CHAIRMAN: It is very wide and gives all
25 kinds of powers.

26 MR. LANGLOIS: I wanted to know from the
27 witness whether consideration was given to this
28 situation?

29 THE WITNESS: No; I would say not in this
30 light, no.



1 (English)

2 MR. LANGLOIS: I would like to make this
3 further comment in passing that there we have some built-
4 in protection. We have the authority of the Minister
5 responsible to Parliament in the exercise of his powers.

6 Q. Now, Mr. Colley, yesterday, in the
7 course of your testimony, you referred to a built-in
8 increase in the present tariff structure of the pilotage
9 services on the St. Lawrence, and at the same time you
10 mentioned - and you can correct me if I am wrong - that
11 the minimum rate written into the tariff is so very
12 close - is, in fact, so close - to the average rate paid
13 that we could scrap the present tariff and write into the
14 by-laws a flat rate only. Is that a correct
15 interpretation? You can correct me if I am wrong.

16 A. Not quite, Mr. Langlois. What I was
17 trying to demonstrate first is there is not such a great
18 variation between the average rate and the minimum rate;
19 and I think I also qualified my statement to the effect
20 that my basis of calculation did not give a true or
21 representative answer, and that it would be necessary
22 to take the examples of trips, say, from Montreal to
23 Quebec, or Quebec to Escoumains and analyse those and
24 classify them to see in what group they fell; and I
25 thought this might lead to the conclusion that a simpler
26 rate system could be established.

27 Q. But unless I am mistaken again, basing
28 yourself on the pilotage revenue for the year 1958 --

29 A. Yes.

30 Q. -- you established that the difference



1 (English)

2 between the minimum rate and the average rate paid during
3 that year was very minor?

4 A. Yes.

5 Q. Something in the order of some \$20?

6 A. Well, in the one case 35 and in the
7 other case 14; it would be something in between.

8 Q. An average of about 20?

9 A. Yes.

10 Q. That is where I fail to see - and I
11 might be wrong in this and I want to go deeper into
12 this - that is why I fail to see that at the same time
13 you can count on a built-in increase and at the same
14 time suggest that the average rate paid is very close to
15 the minimum rate under the by-law. Where is the
16 built-in increase?

17 A. You have lost me somewhere.

18 Q. I lost you yesterday.

19 A. Maybe this would be the answer - and
20 you can correct me if I am wrong - that the gap would
21 widen each year; and, in fact, it has widened each
22 year.

23 MR. BRISSET: The last year being 150 - the
24 average - instead of 133?

25 THE WITNESS: Yes.

26 MR. BRISSET: So that the gap was \$17 more?

27 THE WITNESS: Exactly.

28 MR. LANGLOIS: Q. Then, is it the fact
29 that there is the possibility, if the ships keep on
30 increasing in size and in speed, the traffic will



1 (English)

2 decrease? You will have fewer ships to carry the same
3 tonnage?

4 A. You have to look at two aspects of this,
5 Mr. Langlois. You would have to look both at a
6 natural, potential increase in productivity, and you
7 would also have to look at the trend on increased sizes
8 of vessels.

9 Certainly if your traffic isn't going to
10 change - the volume isn't going to change - then I would
11 agree with your statement that as vessels increase in
12 size they can carry the same quantity of cargo, therefore
13 it would take less of them; but I don't think that
14 experience certainly in the last five or ten years
15 indicates this possibility.

16 Q. That is exactly why I am still not
17 clear in my mind - and you say you are not quite clear
18 in yours.

19 Was there any reason for your using the
20 figure of 1958 instead of using 1962, for example?

21 A. Instead of using 1962?

22 Q. Yes.

23 A. Because the other part of my demonstra-
24 tion was to show how it had changed from 1958 to 1962,
25 and how it could; therefore, I thought it was a very
26 logical starting point.

27 Q. But is it not a fact, if your reasoning
28 is right - and I am not pretending that it is wrong -
29 that if you bring in this flat rate idea of yours that
30 you would have then not a built-in increase but a built-



1 (English)

2 in decrease?

3 A. A built-in decrease in what?

4 Q. In pilots' revenues?

5 A. Again, perhaps, Mr. Langlois, you have
6 missed the point, because our contention was that as long
7 as it is possible for the shipping industry to agree with
8 the pilots what their annual remuneration should be and
9 as long as they have a built-in guarantee it should not
10 concern them how the tariff is made up.

11 Q. No, no; you are going to another
12 aspect. I am not talking about target income. That
13 wasn't in my question?

14 A. Well, all right.

15 Q. I am talking strictly of the yield of
16 pilots' revenues derived from your suggested flat rate
17 idea, or the present tariff structure?

18 THE CHAIRMAN: Or, in other words, the
19 advantage of a fixed rate, similar for everybody - that
20 it has simplicity.

21 MR. LANGLOIS: That is right.

22 THE CHAIRMAN: Independently of the target
23 income.

24 MR. LANGLOIS: Yes.

25 Q. You might answer my last question.

26 A. Your last question was that you
27 suggested there might be a built-in decrease?

28 Q. Yes.

29 A. I could only say that there would be a
30 built-in decrease if, in effect, there was a reduction



1 (English)

2 in the number of vessels. If there was a reduction in
3 the number of vessels and you had the same number of
4 pilots then certainly there would be less revenue
5 obtained. I agreed with that in my answer.

6 MR. BRISSET: If you decrease the number of
7 pilots then you have no increase.

8 THE WITNESS: Well I was trying to be
9 precise in answering that particular question.

10 MR. LANGLOIS: Q. Am I rightly interpreting
11 your answer that, even although the ships are increasing
12 in size and speed the number would not decrease over the
13 years, and if I am right, would you mind giving us the
14 reasons for this assertion?

15 A. I agreed, Mr. Langlois, with your
16 assumption that if the size of ships increased and, as
17 a consequence, the number decreased - I agreed with you
18 that that would produce less revenue. I agreed with
19 that.

20 Q. Then, is it a very strong possibility
21 for the future that the number of ships will decrease
22 due to the increase in size?

23 A. In my personal opinion, no, so far as
24 the St. Lawrence is concerned.

25 Q. Why?

26 A. Well, there are so many new developments
27 that are taking place in the St. Lawrence that I would
28 think that, combined with the normal, potential
29 productivity - I would think it would increase.

30 Now, in one field there is a possibility of



1 (English)

2 a decrease and that is in respect to those vessels which
3 are primarily trading into the lakes and out of the lakes.

4 Q. Mr. Colley, I am indeed very pleased
5 to hear you say that, because it is a change from the
6 stand you have taken on the old rate, when you look at
7 the shipping trade with very dark glasses; and the
8 statement you have just made, I think, corroborates
9 exactly the article which was quoted yesterday by Mr.
10 Lalonde, unfortunately, to the effect that the lean
11 years were over.

12 A. What is your question?

13 Q. I am just commenting. You agree with
14 my statement?

15 A. No, I don't.

16 Q. Now, in connection with this flat rate
17 suggestion, don't you think that by establishing a flat
18 rate the owners of smaller vessels would be penalized in
19 some ways?

20 A. Yes. Now, again in clarification, I
21 wasn't suggesting or recommending a flat rate. I was
22 merely trying to give an extreme example of how,
23 perhaps, something simpler than what we have would be
24 feasible, and I wasn't recommending any firm proposal in
25 that regard.

26 Q. You are not making a proposal?

27 A. No, no.

28 Q. Don't take it that I was thinking of
29 myself personally when I put the question!

30 A. That was why I wanted to reassure you.



1 (English)

2 Q. Now, turning to volume 1 of your brief,
3 at page 76, I will read the following statement:

4 "The Federation of St. Lawrence Pilots
5 also agitated to entice members of
6 Canadian Merchant Service Guild serving
7 as officers on board Canadian coastal
8 ships, tugs etc. to refuse duty on board
9 their vessels ..."

10 and so forth. Would you have any evidence to that
11 effect?

12 A. Mr. Langlois, I must admit that you
13 have caught me here, because this very paragraph I was
14 reading over and I wanted to verify just exactly where
15 this came from. We are in the process of trying to
16 find out where it came from at this moment, and I can't
17 give you an answer, I am sorry.

18 Q. I suggest you would have a hard job
19 finding evidence to that effect.

20 Now, on the same page again I find this
21 amazing statement - amazing to me anyway -

22 "Finally, (and it can only be assumed
23 that the Minister of Transport did not
24 receive the support of the Cabinet)
25 the Minister ..."

26 and so on. Have you any evidence to that effect --

27 A. Yes.

28 Q. -- on which to make this assumption?

29 A. Yes; it is contained in the minutes
30 of the meeting which we had in Montreal with Mr. Baldwin,



1 (English)

2 the Deputy Minister.

3 Q. Do you mean to say that the secrecy of
4 the Cabinet was violated to that extent?

5 A. All I can do is refer you to what was
6 put in the minutes at the time.

7 Q. If you have access to information from
8 within the Cabinet I would suggest that you have more
9 political influence than the pilots ever had.

10 Now, I would like to clarify the expression -
11 this possibly has been cleared up before - which comes
12 quite often in the wording of your brief, when reference
13 is made to the "Inter-departmental Committee". Is
14 that the right --

15 A. No.

16 Q. It is not applicable?

17 A. No.

18 Q. I missed some of this --

19 MR. LALONDE: My Lord, Mr. Langlois was not
20 in the court when this matter was raised.

21 MR. LANGLOIS: Q. And if it has been spelled
22 out then --

23 A. I think it is a misnomer.

24 Q. It is a misnomer?

25 A. Yes; it should be "Intra-departmental";
26 but that was the expression that was used at the time
27 and we followed along.

28 Q. I have failed to find just now a
29 reference - but I could find it for you later on - in
30 your brief, that the suggestion was made that the



1 (English)

2 shipping industry - the Shipping Federation - should
3 meet the Prime Minister. Was there such a move - was
4 there such a meeting?

5 A. No.

6 THE CHAIRMAN: That was at the time of the
7 strike?

8 MR. LANGLOIS: During the 1962 strike, yes.

9 THE WITNESS: No, we never were beyond the
10 Minister.

11 MR. BRISSET: Is it possible that some of
12 your members might have suggested that the Prime Minister
13 be called upon?

14 THE WITNESS: I think it is quite possible
15 that in some of our very secret and confidential minutes
16 you might have read that somebody made such a proposal,
17 but it was never anything more than that.

18 MR. LANGLOIS: So am I right in assuming that
19 the question - the possibility - of meeting the Prime
20 Minister - and I am taking into consideration what you
21 say at pages 88 and 89 of your brief, where you say this:

22 "... delegations representing the
23 pilots or the shipping industry, lake
24 and ocean alike, have descended upon
25 the Minister of Transport or his
26 Deputy Ministers criss-crossing each
27 other in the corridors of the buildings
28 on Parliament Hill ..." -

29 that this charge which you have made in your brief to the
30 effect that the pilots were trying to use political



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1 (English)
2 influence, could be levelled at the Shipping Federation
3 also?

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1 (English)

2 A. I do not think so, Mr. Langlois. Let
3 us not try to be naive about it. When we learned of
4 this situation we tried to learn how to be politicians.
5 I do not think we were very good at it.

6 Q. I find that you were learning fast.
7 Is it not a fact that the same kind of lobbying was done
8 much before your first lesson in politics to which you
9 referred - and if you want an example of this I would
10 suggest you refer to what took place when the Bill S3
11 came before the Senate two years before that?

12 A. I do not know.

13 MR. BRISSET: The Bill S3 is the Great
14 Lakes Pilotage Bill?

15 THE WITNESS: Yes. We had very strong views
16 on that bill and we presented them; but I do not know
17 how this could be considered lobbying.

18 MR. LANGLOIS: Q. Is it not a fact that
19 quite a lot of political lobbying was exercised during
20 the discussion on that bill by some of your members?

21 A. No. Perhaps we have a different
22 definition of "lobbying". As I recall, our activities
23 were this. We were in touch with the Department
24 officials who were directly concerned in the drafting
25 of the legislation. Later on there was a public
26 hearing and naturally we had to attend. But behind the
27 scenes I am not aware that any of our members took
28 separate action or joint action whatsoever.

29 MR. BRISSET: It was a public hearing before
30 the Senate and the House Committee?



1 (English)

2 THE WITNESS: Yes.

3 MR. LANGLOIS: Q. Of course, at the time
4 you were not the chairman of the Pilotage Committee.
5 That was in 1959, the first hearing?

6 A. No, but I was very much involved in
7 that, Mr. Langlois.

8 Q. I know you were.

9 MR. BRISSET: And both the pilots and the
10 Shipping Federation were against the bill that day?

11 THE WITNESS: Yes.

12 MR. LANGLOIS: Q. If I understood your
13 testimony correctly yesterday, you stated that for some
14 time to come you saw the impact with the pilots coming.
15 Am I to understand that you knew then that you both were
16 on collision courses and nobody was doing anything to
17 avoid a collision?

18 A. No. I do not know again if I am just
19 understanding your question correctly. We knew that
20 problems were coming? You mean, that we realized that
21 problems were coming - that there was going to be a
22 strike for example?

23 Q. Yes.

24 A. No, I would not say that. Certainly
25 we were aware from the year 1960 on that there were
26 problems and, as I mentioned the other day, if you read
27 through our brief you can hardly pass a couple of pages
28 without reference to strike or threat of strike. Under
29 these circumstances naturally we were not anticipating
30 that we were on a peaceful course by any means.



1 (English)

2 Q. Your bearings were not changing rapidly,
3 so to speak?

4 A. Quite, exactly. No, I could not agree
5 with you more. There was a definite division of the
6 ideas between the corporations and ourselves.

7 Q. I ask you this question, Mr. Colley,
8 having in mind in particular your evidence yesterday to
9 the effect - and again correct me if I am wrong - that
10 you were not prepared to have any further discussions
11 with the pilots unless they agreed to discuss income
12 instead of tariff?

13 A. What time are you referring to now,
14 Mr. Langlois?

15 Q. To the months and almost a year
16 preceding the 1962 stoppage of work.

17 A. In the year 1961 when the annual
18 meetings were held that winter it is quite true that
19 we said to the Department that there is no point in our
20 going to have meetings with the pilots if all we were
21 going to discuss was changes of tariff without any
22 relationship to what they would bring forth. This
23 would be a farce and it would not lend dignity to a
24 situation that was rather ridiculous. In effect it was
25 embarrassing the shipping industry to come and sit around
26 a table and eventually write a blank cheque. There was
27 no point to it, so we said: "We won't go."

28 Q. Was the situation not such that your
29 attitude was "Unless we play the game according to my
30 book of rules I won't play the game"?



1 (English)

2 A. The book of rules was such that we were
3 not able to discuss anything intelligently. Well, we
4 could go through certain motions but they meant nothing.

5 Q. Is it not a fact, Mr. Colley, that all
6 statistical information concerning the earnings of
7 pilots was put at your disposal a long long time before
8 this ever took place?

9 A. Statistical information?

10 Q. Concerning the earnings or income of
11 pilots?

12 A. Oh, yes, from 1960 on we got this
13 information.

14 Q. So if I understand the situation at that
15 time the collision was almost welcome - the impact which
16 took place between the pilots and the Shipping
17 Federation; am I right?

18 A. Let me say this, if I must make a
19 serious comment. We would never welcome a strike -
20 never. Looking back at it one has to also look at the
21 consoling factors, and the consoling factor, as previous-
22 ly explained, was that the strike presented a crisis and
23 the crisis led to the appointment of a Royal Commission.
24 For this solution, of course, we were very thankful.
25 But to say we would ever welcome a strike, of course,
26 is completely wrong.

27 Q. Probably not the stoppage of work or the
28 strike, as one would call it, but the impact between the
29 Shipping Federation and the pilots. I say that again
30 and that is why I want to put you into the ambit of my



1 (English)

2 question - as a result of your submission yesterday that
3 you had your mind very much set on getting a Royal
4 Commission or a thorough inquiry into pilotage, and that
5 could probably have been a means of achieving that?

6 A. Well, Mr. Langlois, I would say this
7 also - that if there had not been a work stoppage, if
8 somehow we could have continued, I do not think it was -
9 if I could use the parallel type of situation that you
10 have politically, east-west, black and white and so on, -
11 I think that given time these problems might have been
12 resolved. But certainly at that time there was no
13 indication that the corporations were prepared to
14 negotiate on a realistic basis.

15 But I was certainly not of the opinion, if
16 I may answer your question directly, that an impact, as
17 you call it, or a final blow-up was inevitable.

18 Q. But is it not a fact that you wanted
19 very much a decision on your request for a full invest-
20 igation into pilotage administration and operation in
21 Canada?

22 A. If this was the only way in which we
23 could effect some change in the present system of
24 pilotage, yes, that is true.

25 Q. Yesterday you mentioned the attitude of
26 the Shipping Federation in regard to these corporations
27 of pilots. Again correct me if I am wrong, but am I
28 right in assuming that your Shipping Federation would
29 prefer to deal with individuals separately instead of
30 dealing with a group of representatives of the pilots?



1 (English)

2 A. Of course not.

3 Q. Of course not. So in that respect the
4 corporations could have some advantage if they are
5 representative of the pilots?

6 A. Yes.

7 THE CHAIRMAN: I suppose, Mr. Langlois, that
8 you still have many questions to ask?

9 MR. LANGLOIS: Yes.

10 THE CHAIRMAN: We will adjourn for ten
11 minutes.

12 ---RECESS

13
14 MR. BRISSET: With my learned friend's
15 consent I would like to interrupt at this stage the
16 cross-examination of Mr. Colley and ask Mr. Guy Beaudet
17 to come to the witness stand, if Your Lordship will
18 agree.

19 THE CHAIRMAN: Yes.

20
21 GUY BEAUDET, sworn
22 Manager of Montreal Harbour.

23
24 DIRECT EXAMINATION BY MR. BRISSET:

25 Q. Mr. Beaudet, I do not think that you
26 need any introduction, but for the record you are at
27 present the manager of the Port of Montreal?

28 A. Correct.

29 Q. Mr. Beaudet, if it were suggested or
30 recommended to this Commission that the National Harbours



1 (English)

2 Board take over within the statutory limits of the
3 Harbour of Montreal the administration of the pilotage
4 services, would you be in favour of such a recommendation
5 and support it?

6 A. I think so, because I feel that there
7 would be some advantages in the transfer of jurisdiction
8 of the pilots operating within Montreal Harbour through
9 the port authority. I would like to qualify this
10 statement to give a view of the advantages that come to
11 my mind at this point.

12 Q. Would you kindly outline to us what
13 in your opinion would be the advantages of having only
14 harbour pilots within your jurisdiction operating
15 within the limits of the harbour?

16 A. Yes. If the harbour pilots only were
17 operating within the harbour limits they would become
18 more proficient and efficient at docking and undocking
19 ships at every berth in the harbour. They will become
20 more proficient and efficient also on application of the
21 more specific rules of traffic applicable within the
22 harbour limits.

23 Q. If I may interrupt you here, these
24 rules are framed, I take it, by the National Harbours
25 Board as regulations?

26 A. Correct.

27 Q. Proceed.

28 A. The other advantages that I would see
29 would be that the harbour pilots, knowing the harbour
30 better and being more familiar with the harbour master



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1 (English)

2 personally, because they would be dealing with him more
3 often, there would be a personal contact which would
4 benefit the operation of ships within the harbour and
5 the control of the many safety rules.

6 I would like with your permission to carry
7 on on the previous statement that I have made regarding
8 the advantages of the harbour taking over the juris-
9 diction of the pilots within Montreal Harbour. I think
10 with such a proposal there would be no more conflicts of
11 jurisdiction and control between the port authority and
12 the pilotage authority regarding more particularly the
13 instructions to pilots.

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1 (English)

2 Certainly, there would be only one set of rules and
3 regulations applicable to the pilots. Under the
4 present conditions there exist rules and regulations of
5 the Port Authority and some enacted by the Pilotage
6 Authority.

7 Furthermore, the third point: if the pilots
8 were under the jurisdiction of the Port Authority I feel
9 they would be more prone to follow on the spot
10 instructions and directives from the Harbour Master who
11 is responsible for the control of traffic and the safety
12 of vessels within the harbour limits. In other words,
13 I feel that they would be more inclined to follow the
14 instructions of their chief and leader rather than the
15 instructions of an outsider as is presently the case,
16 because at the present pilots have a supervisor
17 responsible for administrative matters and discipline and,
18 in other words, not in any way connected with him,
19 responsible to issue instructions to them when it comes
20 to the actual operation within harbour limits.

21 Fourth, I think that the harbour has the
22 exclusive right of jurisdiction on the matter of control
23 of ships within harbour limits. I repeat, exclusive
24 jurisdiction and the harbour is responsible for the
25 safety of vessels operating within these limits. On
26 that principle, it seems to me only wise that the most
27 possible close jurisdiction or close relationship be
28 established between the Harbour Authority and the pilots
29 themselves who man the ships.

30 You may be responsible for certain rules and



1 (English)
2 regulations but if you do not have the tools at your
3 disposal to carry them out, the principle, in my mind,
4 is lost and I think that conditions at present would be
5 more along the lines that I just outlined.

6 In other words, we have the jurisdiction but
7 not all the tools at our disposal to carry them out.

8 I would like further to mention that while
9 I feel there would be some advantage in the National
10 Harbours Board or the Port Authority taking over juris-
11 diction of pilots operating within the harbour limits
12 and that greater efficiency would ensue, I feel however
13 that great care should be given to these questions and
14 it should only take place if the overall cost to the
15 Port Authority and the ship operators is not greater or
16 at least much greater than at present.

17 Q. Mr. Beaudet, in taking over the
18 administration of pilotage within the limits of the
19 harbour, your Port Authority would be faced with certain
20 duties like despatching, accounting and I am thinking of
21 those two particularly. Is the Port Authority equipped
22 at the moment to do these special jobs with regard to
23 pilots? In other words, could you without disturbing
24 your operations, arrange for a despatching service?

25 Do you consider that a problem or not?

26 A. These two points, that is despatching
27 and accounting, in my mind, do not present a problem.
28 We do not at present have a full set-up for the des-
29 patching of pilots. However, my knowledge of the
30 operation is that we in fact do a lot of the despatching.



1 (English)

2 I think this question may be more properly
3 answered by the Harbour Master but my knowledge of the
4 present situation is that in many many cases we in fact
5 despatch pilots or at least advise the Pilotage
6 Authority that a ship is requiring pilots.

7 COMMISSIONER SMITH: Do you mind an
8 interruption, Mr. Brisset?

9 MR. BRISSET: Not at all, sir.

10 COMMISSIONER SMITH: Mr. Beaudet, you have
11 mentioned the advantages in your opinion there would be
12 in the National Harbours Board taking over pilotage
13 within the harbour of Montreal. Can you think of any
14 disadvantages?

15 THE WITNESS: Unless it is going to cost us
16 a lot of money, I see no disadvantages.

17 COMMISSIONER SMITH: No disadvantages.

18 THE WITNESS: No. Now, on this second point,
19 if I may go back to the accounting, we have in the
20 Harbour Master's department an accounting set-up for
21 collecting harbour dues, docking charges and so forth
22 which are on the actual same basis of charge as pilotage
23 dues as they exist at present, that is net registered
24 tonnage of the ship.

25 MR. BRISSET: Q. In other words, with the
26 equipment and staff which you have, would you consider
27 this additional accounting a problem at all?

28 A. I don't, although I could not say at
29 this time that it may not be necessary to increase our
30 staff at the second echelon. I think at the top the



1 (English)

2 staff personnel - I think this transfer could take place
3 without addition at the top echelon.

4 Q. Mr. Beaudet, over the course of the
5 years, you, as the Port Authority or the Port Authority
6 has found it necessary to enact regulations with the
7 point of view of exercising control over traffic. I
8 suppose these regulations and rules are always in the
9 process of evolution, depending upon conditions. Am I
10 right?

11 A. Correct.

12 Q. In spite of precautions or care that
13 may be taken, there have been in the past and probably
14 will still be in the future accidents. In the case of
15 accidents, would your Board be particularly interested
16 in determining the possible cause?

17 A. Certainly because if we cannot find the
18 cause of the accident, how can we enact regulations to
19 have a cure?

20 Q. In other words, I assume that you would
21 be interested in having direct contact with the pilots
22 in those circumstances in order to obtain their reports?

23 A. Correct.

24 Q. At the present time I take it that the
25 reports of the pilots, when there are casualties, go to
26 the Pilotage Authority rather than to your Board?

27 A. This is true. I may add in some
28 cases we have had very much difficulty in trying to get
29 a copy of the report and sometimes we didn't get it at
30 all.



1 (English)

2 EXAMINATION BY MR. JACQUES:

3 Q. Under your proposal, Mr. Beaudet, would
4 the pilots become employees of the Board or would they
5 remain as they seem to be today, private contractors?

6 A. This, I am afraid, I am not competent
7 to answer. It would depend entirely firstly on my own
8 Board's views and secondly on the government decision as
9 to how the transfer of jurisdiction would be done.

10 Q. Now, you have mentioned the harbour
11 limits. Would that include your actual limits away down
12 to Sorel or would it be limited to the end of the wharf
13 at Longue Pointe?

14 A. When we talk of harbour limits, we come
15 back to only one point and that is the official harbour
16 limits of the harbour. Our regulations cover the
17 harbour limits within the legal limits which are at
18 present downstream and the upstream limits to the Port of
19 Sorel.

20 Q. Would you consider taking over juris-
21 diction from the Pilotage Authority with respect to
22 river pilots taking ships to and from St. Lambert, down
23 or up river, not stopping Montreal?

24 A. I was asked a question by Mr. Brisset
25 as to whether I favoured the operation of ships within
26 harbour limits exclusively by harbour pilots as versus
27 river pilots and to that extent I have answered "yes,
28 I would very much favour such a situation". I thought
29 that I had replied the reason and the advantages.

30 THE CHAIRMAN: In transit from the river to



1 (English)

2 the Seaway would come under that also.

3 THE WITNESS: Correct.

4 MR. JACQUES: Q. So, if I understand you
5 correctly all pilotage within the harbour limits, be it
6 only for transiting purposes, would be done by pilots
7 coming under the jurisdiction of the Board?

8 A. Correct. This is the answer that I
9 gave to Mr. Brisset because I thought this is what his
10 question implied.

11 THE CHAIRMAN: Have you finished your
12 questions, Mr. Brisset?

13 MR. BRISSET: I have just one more question.

14 MR. JACQUES: I am sorry, I thought you had
15 finished.

16 MR. BRISSET: Q. I assume, Mr. Beaudet,
17 that in the years to come and perhaps I should not ask
18 this question, but I will just the same, you will expect
19 an increase in the traffic in Montreal?

20 A. I very much expect so.

21 Q. Montreal, in other words, as a harbour
22 has been growing steadily over the past few years?

23 A. Quite steadily and at a very rapid
24 growth.

25 Q. Has the rapid growth, which you even
26 foresee for the future, been a factor in the views that
27 you have expressed here?

28 A. Definitely.

29 MR. JACQUES: Q. One more question, Mr.
30 Beaudet. During the previous hearing we have had



1 (English)

2 evidence about the office of the Port Warden here in
3 Montreal. The aspect of his evidence which interested
4 the Commission is the fact that under the actual
5 present regulations he controls under-keel clearance,
6 which is an important factor as far as pilots are con-
7 cerned. Would your proposal include jurisdiction over
8 such an aspect of shipping?

9 A. The Port Warden's responsibility, as you
10 know, set up by law under the Shipping Act is one over
11 which the Port Authority has no control and definitely
12 my answer did not include the point that you raise, that
13 is, I never had in mind in answering that question that
14 the Port Authority we are proposing at the same time
15 would take over the jurisdiction of the Port Warden.

16 Q. I am afraid you did not understand my
17 question. Would you be willing to consider including
18 under your jurisdiction such matters as under-keel
19 clearance?

20 A. Yes, definitely so. We are in fact
21 working now towards this aim.

22 MR. JACQUES: Thank you, sir.

23 COMMISSIONER SMITH: Mr. Beaudet, there was
24 a release of the tonnage handled by the National Harbours
25 Board in 1963 covering all the harbours. The Montreal
26 tonnage is here but in those releases there was no
27 mention of the number of ships entering and clearing the
28 harbour in 1963. Would you have those in your mind?

29 THE WITNESS: No, I would rather not quote
30 those figures for the record just from memory. I can



1 (English)

2 give you an estimate of 6,000.

3 MR. JACQUES: Mr. Commissioner Smith, the
4 1963 report of the National Harbours Board has been
5 annexed to the previous report which has been filed and
6 the Secretary can obtain the figures for you quite
7 readily.

8 COMMISSIONER SMITH: The 1962 report, not the
9 1963 report.

10 MR. JACQUES: Oh I am sorry.

11 THE WITNESS: The 1963 is not available.

12 COMMISSIONER SMITH: No.

13 THE CHAIRMAN: Would you like to have this
14 information?

15 COMMISSIONER SMITH: Yes, I think it would be
16 useful.

17 THE WITNESS: I can produce it this after-
18 noon.

19 THE CHAIRMAN: That is all right. You may
20 give it to Mr. Brisset. I don't think it is very
21 contentious.

22 MR. LALONDE: Can we have this figure as it
23 appears in the shipping statistics as divided between
24 deep sea, coastal shipping, number of entries and exits
25 and tonnage on in and out?

26 THE WITNESS: That is the way in which I
27 propose to file it.

28 MR. LALONDE: Thank you.

29 THE SECRETARY: May I suggest, Your Lordship,
30 that we give this paper the number 949?



1 (English)

2 THE CHAIRMAN: So it will be in a written
3 form?

4 THE WITNESS: Correct, Your Lordship.

5 THE SECRETARY: The 1963 shipping statistics,
6 Montreal Harbour.

7 THE CHAIRMAN: Mr. Lalonde?

8

9 CROSS-EXAMINATION BY MR. LALONDE:

10 Q. How is the system of Port Warden
11 working in your view, Mr. Beaudet?

12 A. I am not completely satisfied with this
13 personally.

14 Q. Would you recommend that it should be
15 taken over by the National Harbours Board?

16 A. I think that some of the responsibilities
17 of the Port Warden - I have in mind more particularly the
18 matter of draught of ships should definitely, in my mind,
19 be a Port Authority responsibility, not that of the
20 Port Warden.

21 Q. Apart from this, what are your complaints
22 about Port Wardens?

23 A. No other very specific one.

24 Q. And general ones?

25 A. I think that without any reflection on
26 the personnel in this department, which I think
27 individually are very competent, I think the set-up or
28 the procedure setting up Port Wardens which was created
29 a century ago or so is not outdated and outmoded and
30 does not correspond to the necessity of modern operation



1 (English)

2 of ships.

3 Q. To go back to the main aspect of your
4 testimony, you propose a system by which in Montreal
5 Harbour there would be exclusively harbour pilots, that
6 is pilots who would do only the Harbour of Montreal and
7 not the river?

8 A. Correct.

9 Q. That is the fact?

10 A. Yes. I would like to put it this way.
11 Mr. Brisset suggested to me whether I would favour such
12 a proposal and I said "yes".

13 Q. And this proposal, may I submit to you,
14 has a different aspect as to whether they should come
15 under the National Harbours Board jurisdiction itself?

16 A. No.

17 Q. Quite so -- I am sorry: in the
18 sense that you have two problems: should you have
19 Harbour pilots exclusively within the limits of the
20 Harbour of Montreal and secondly, are these harbour
21 pilots to be under the control of the National Harbours
22 Board? Would you not say those are two different
23 questions?

24 A. They are definitely two different
25 questions. In my view, as expressed in my answer to
26 the question prior to yours, I said two things would in
27 my mind create greater efficiency for all and better
28 control of the ships. One, having harbour pilots only
29 operating within the harbour limits and two, to have the
30 jurisdiction and control of pilots by the Port
Authority.



1 (English)

2 Q. If we may take these questions one by
3 one. On what basis are you complaining at present of
4 inefficiency or incompetence of the pilots? Let us
5 leave out for the time being the question of control by
6 the National Harbours Board. Let us take the first
7 aspect of the question where you would have only harbour
8 pilots and not harbour and river pilots as you have at
9 the present time. My question is: what evidence do you
10 have to support your statement or your position?

11 A. I answered a question and outlined the
12 advantages. I did not think at any stage I laid any
13 blame or indicated that there were inefficiencies in the
14 present method.

15 I said that in my view there would be
16 advantages in another method without in any way trying
17 to put blame or criticise the present system.

18 Q. I see.
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1 English

2 Q. I see. Am I right in assuming from
3 that that you have no complaints so far as the present
4 system is concerned -- concerning, once again, the
5 first part of this question, or the first question --
6 and that is the present Harbour and River Pilots in
7 the Harbour of Montreal?

8 A. I would like to answer your question
9 this way: I am not personally in contact with the
10 pilots. If there is any blame, or any reason for
11 complaint, this rests entirely with my Harbour Master
12 who would be more competent to answer the question.

13 Q. I see. Has your Harbour Master
14 complained to you about inefficiency or incompetence
15 of River pilots compared to Harbour pilots?

16 A. Will you repeat the question, please?

17 Q. Has your Harbour Master complained to
18 you, then, about the inefficiency or incompetence of
19 river pilots in Montreal Harbour compared to Montreal
20 Harbour pilots?

21 A. Never in that form. He has compared
22 one type of pilots with another type of pilots. He
23 has complained to me about the long time for docking
24 a ship, which stops operations within the harbour,
25 due to inefficiency -- well, not inefficiency -- lack
26 of experience, with certain large ships with certain
27 River pilots; that is the reason for outlining the
28 advantage of Harbour pilots, that I said that most
29 of them will faster become more accustomed to handling
30 these big ships at various parts of the Harbour.



1 English

2 Q. Yes; and has he produced to you a list
3 of those complaints?

4 A. No; he said that in general terms.

5 Q. It is only a general comment, without
6 any specific references?

7 A. That is correct.

8 Q. If I understand you well, the basis
9 of your statement is the general, theoretical concept
10 or view of the matter, without having any specific
11 complaints about the present system -- and this is
12 once again referring to the first question -- and the
13 only complaint you would have would be a general
14 comment from your Harbour Master?

15 A. Correct. May I say, Mr. Lalonde,
16 that it is obvious to me that if a man operates within
17 an area he becomes more knowledgeable of the con-
18 ditions prevailing in that area and thereby more
19 efficient; but that doesn't mean that another one is
20 not competent and qualified -- he might well do it,
21 but take a longer time, and time in the harbour for
22 movement of ships is very essential.

23 Q. How often would you say a man would
24 need to do it in Montreal Harbour to be efficient?
25 What requirement would you ask -- that a man comes
26 there once a week or once every two weeks, or once
27 a month?

28 A. I don't think I am qualified to answer
29 that question; I am not a pilot.

30 Q. But you would say, on what was reported



1 English

2 to you, that the River pilots are not coming often
3 enough in Montreal Harbour, if I understand you well?

4 A. Well, they haven't got as much
5 knowledge and experience as the others who do it
6 often.

7 Q. That is . . .

8 A. . . . pretty obvious.

9 Q. That is the assumption you make on
10 the basis that it is obvious?

11 A. Yes.

12 Q. Now, let us come to the second question.
13 By the way, before we got to the second question, I
14 would ask: Are the views you are now expressing the
15 views of the Board, or your own?

16 A. They are my personal views.

17 Q. This matter has not been raised with
18 the Board itself or the Board has not made a policy on
19 this subject?

20 A. No policy has yet been made.

21 Q. The second question with respect to
22 the jurisdiction: What has been the problem in
23 the past in connection with the control of pilots
24 so far as specific instances or problems are concerned?

25 Would you like Mr. Brisset to help you
26 along?

27 A. No; but I would think that this could
28 be more properly answered by the Harbour Master;
29 because all I could say would be hearsay evidence.

30 Q. I see; so all that you said previously



1 English

2 was on the basis of hearsay, I understand?

3 A. No; I expressed my personal views on
4 principles.

5 Q. Yes.

6 A. On this matter of complaints, in
7 general terms I said that these complaints were made
8 to me by the Harbour Master or the Assistant Port
9 Manager in charge of operations. This is not hearsay.

10 Q. Well, what complaints were made to you?

11 In 1960

12 A. I said in general terms only, correct.

13 Q. Well, then, will you make them in
14 general terms?

15 A. Yes.

16 Q. Without being specific?

17 A. Yes; on many occasions there are delays
18 in the movement of ships in the harbour due to the
19 fact that one of the pilots handling a big ship in
20 the harbour took a much longer time than usual due
21 to the fact that he did not have as much experience as
22 another pilot who would have done the manoeuvre often.

23 Q. This is the only complaint you had with
24 respect to the Montreal Harbour operations?

25 A. Yes; the only specific one, correct.

26 Q. This is the only specific complain.

27 Did you have any other general complaints, if I may
28 put it that way?

29 A. Yes; that, in general, the pilots
30 were not following the instructions of the Harbour



1 English

2 Master.

3 Q. As to their conduct on their ships?

4 A. The conduct of the ship.

5 Q. The ships they were on?

6 A. Yes, correct.

7 Q. Do I understand, then, that it is your
8 view that the Harbour Master is the person in a position
9 to instruct Master of Pilots as to how they should
10 conduct their ships in the harbour?

11 A. I haven't made that statement.

12 Q. Well, then . . .

13 A. But it is their responsibility.

14 Q. This is your view?

15 A. The Harbour Master is responsible to
16 give instructions and directions to the pilots; and it
17 is the responsibility of the pilots to carry them out
18 in accordance with the rules of the trade.

19 Q. And do you check on how many instances
20 there are of pilots who do not follow the instructions
21 of the Harbour Master or whoever it is who has
22 authority to give instructions?

23 A. No, not personally; this is not my
24 responsibility.

25 Q. And you have no idea of the number of
26 instances where this has occurred?

27 A. No.

28 Q. Do you have any idea whether any
29 sanction was taken . . .

30 A. The taking of sanctions is exclusively



1 English

2 in the hands of the Pilotage Authority.

3 In some cases we have asked to be
4 advised on what sanctions were taken, if necessary.
5 In some cases we were advised that sanctions were
6 taken; in other cases we were not advised as to whether
7 there was any sanction taken or not.

8 Q. Would you mind checking up on the
9 number of instances, or the cases you remember, and
10 file this with the Commission?

11 A. I haven't got this with me now, but
12 I would be pleased to submit some documents . . .

13 MR. LALONDE: We will give it an
14 exhibit number now, which will be 950 -- correspondence
15 between the Montreal Harbour Board and the Pilotage
16 Authority concerning sanctions against pilots.

17 THE CHAIRMAN: We might go a little
18 further than that, in the sense of whether there are
19 investigations, because sanctions may be taken after
20 some investigation.

21 ---EXHIBIT NO. 950: Correspondence between
22 Montreal Harbour Board
23 and Pilotage Authority
24 concerning investigations
and sanctions against pilots.

25 MR. LALONDE:

26 Q. Did you make any investigation as to
27 whether there might not have been good cause for
28 pilots on board ship, or masters, not obeying the
29 instructions of the Harbour Master, because, as you
30 referred to it, the rules of the trade may have caused



1 English

2 him to act otherwise?

3 A. No, we have not made such an inquiry,
4 because I was advised that we would have no authority
5 to make such an inquiry.

6 Q. I think in the present situation you
7 have the authority as far down as Sorel, so far as I
8 can see?

9 A. Yes.

10 Q. Do you know what the relationship of
11 the pilots is as regards the master on board the ship?

12 A. I am not very familiar with it.

13 Q. Is it not true that in Montreal Harbour
14 the pilots have always the master on board the ship
15 and if instructions are given he is the one to see
16 that they are carried out?

17 A. I don't quite understand the question.

18 Q. I will put it another way: Whom are
19 instructions given to when they are given by your Board?
20 Are they given by calling the pilot or calling the
21 master?

22 A. I think it would be more proper for
23 the Harbour Master to reply to that question; he
24 directs this department.

25 Q. I am sure you have had a large ex-
26 perience in the field of managing harbours, especially
27 abroad, and all that. Do you know the method which
28 is followed in the larger ports in the world with
29 regard to pilots?

30 A. I would feel I had too vague a knowledge



1 English
2 to be very specific in answering questions about
3 specific ports.

4 Q. I will ask you a few questions about
5 specific ports and if you don't know the answers you
6 can say so. I submit to you that in New York Harbour,
7 for one, the New York Harbour Authority has no direct
8 jurisdiction over pilots such as you want to have here?

9 A. The Port of New York I am very familiar
10 with, and there exists a very complicated system in
11 the Hudson River, to the extent that there are two
12 Port Authorities, one bi-State one and the other the
13 Port of New York Authority created by the State of
14 New York and the State of New Jersey, with jurisdiction
15 over part of the facilities only. So that there is
16 one, the Port of New York Authority and the other . . .

17 Q. Well, Mr. Beaudet . . .

18 MR. BRISSET: I think the witness
19 should be permitted to finish his answer.

20 MR. LALONDE: I don't want to prevent
21 him from answering the question. I just want to
22 help things along. I am going to ask questions
23 about a few ports, and unless the Commission is
24 interested in having the whole scheme of operations
25 described to them, which Mr. Beaudet is qualified,
26 I know, to do -- I was putting a very simple question
27 and I think it is of interest to the Commission. If
28 the witness wants to elaborate, then, all right.

29 Q. To your knowledge does the New York
30 Port Authority, or do the Port Authorities, have



1 English
2 jurisdiction over the pilots in such a way as has
3 been mentioned herein your evidence?

4 A. No; but if I may carry on with the
5 other part of the answer, the Port of New York
6 facilities are controlled by the Department of Marine
7 and Aviation of the City of New York.

8 While I have answered No to your
9 question regarding the control of pilots by the Port
10 Authority I know that for years this matter of juris-
11 diction over the pilots has been a very unhappy one in
12 the Port of New York; and none of them, either the
13 Port of New York Authority or the Department of Marine
14 and Aviation have control over them, and I imagine
15 as there is this problem, as long as the two are
16 trying to get it, it is not going to be solved pretty
17 soon.

18 Q. Do you know what the situation is in
19 Southampton, which is a pretty big port?

20 A. No.

21 Q. Liverpool?

22 A. Liverpool, yes.

23 Q. And is it a fact that the Liverpool
24 Port Authority, if that is its name, has control over
25 the pilots?

26 A. No; in Liverpool the Authority is
27 the Mersey Docks and Harbours Board. They have no
28 authority per se, over the pilots, but have, on the
29 Pilotage Authority some representatives, because in
30 the Liverpool channel there are again diversified



1 English

2 Authorities -- that is, the Port of Liverpool and
3 also the Port of Manchest.

4 You are very good at picking on
5 situations where they are two people trying to get
6 control and where there are diversified interests.
7 How about the Port of London Authority?

8 Q. Yes; we will come to that one. Let
9 us take the Port of London. What about the Port of
10 London?

11 A. In the case of the Port of London the
12 pilots are controlled by the Port of London Authority.

13 Q. Yes; and isn't this so only between
14 the locks inside -- enclosed in the harbour -- inside
15 the basin only?

16 A. No; from the harbour limits and from
17 Gravesend.

18 Q. I submit to you that you are wrong.

19 A. Possibly; I may be wrong; but I know
20 tht it is from Gravesend where they have their control,
21 and pilot boats and control boats.

22 Q. I submit to you . . .

23 A. I may be wrong, but when I was there
24 three years ago, in that very office, I was given to
25 understand that the Port of London Authority controls . . .

26 MR. LALONDE: I was there a year ago;
27 and there is evidence -- exhibits have been filed --
28 my lord, in this respect.

29 Q. What about the Port of Glasgow? Are
30 they under the control of the Port of Glasgow Authority?



1 English

2 A. I don't know.

3 Q. What about European ports like
4 Amsterdam and Rotterdam?

5 A. I don't know; I would not be competent.
6 Rotterdam has changed lately and I think I would be
7 wrong.

8 Q. What about Anywerp?

9 A. In Antwerp there is control of the
10 pilots by the Port Authority, but to what extent I
11 don't remember.

12

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1 (English)

2 Q. Would you say that the pilots in
3 Antwerp are in a situation analogous to the one you are
4 recommending here?

5 A. No, because I do not know.

6 Q. Do you know of any French ports which
7 would have a situation analogous to the one you
8 recommended?

9 A. No.

10 THE CHAIRMAN: Is that because you do not
11 know about it or you know that there are none?

12 THE WITNESS: I do not know about it. I
13 might qualify this that my memory is too hazy about it
14 to make a definite statement.

15 MR. LALONDE: Q. Would you know of any
16 American ports where the situation is the one your
17 are recommending?

18 A. Not sufficiently well enough to make a
19 statement on it. I was thinking of Baltimore and the
20 Delaware River, but I would not dare to make a statement.

21 Q. I suggest that you do not dare to make
22 a statement. Correct me if I am wrong but the
23 impression I have is that you complain about a certain
24 problem of communication - let us put it that way -
25 between the pilotage authority at the present time and
26 the Harbours Board. Would that be a proper way of
27 putting it - communication?

28 A. Communication between the pilotage
29 authority and the port authority?

30 Q. Yes. If you had only harbour pilots



1 (English)

2 within the harbour limits - that is, as far down as the
3 Port of Sorel - have you studied the implications that
4 this might have as far as pilotage between Quebec and
5 the Limits of the Montreal harbour is concerned? Have
6 you realized for instance that this would imply the
7 creation of two districts or two sections of districts
8 between Quebec and Sorel?

9 A. No, I have not studied that point.

10 Q. There was no study made at all of this?

11 A. No.

12 Q. As to the effects your project would
13 have lower down on the river?

14 A. I did not make any project or propose
15 any project to the Royal Commission. I expressed my
16 views on the proposal expressed by Mr. Brisset.

17 Q. Yes.

18 A. So obviously I did not study such a
19 project. If I had come here to make a definite proposal
20 I would no doubt have studied that problem.

21 Q. Be sure I am not trying to reproach you
22 for not having more to say. I just want to check what
23 evidence you have.

24 MR. BRISSET: My Lord, I must record an
25 objection to what was stated in the question that the
26 establishment of the port authority as the pilotage
27 authority in Montreal with harbour pilots operating with-
28 in the limits of the harbour would necessarily entail a
29 division between Sorel and Quebec. I just want to point
30 out that there has been no evidence to that effect.



1 (English)

2 THE CHAIRMAN: It would mean a change of
3 structure.

4 MR. BRISSET: It would mean a change of
5 structure which would not concern, of course, the port
6 authority as such.

7 MR. LALONDE: Q. What rule would you prefer
8 to have in Montreal Harbour - compulsory payment of
9 pilotage dues or compulsory payment of pilotage?

10 A. I have not studied that problem at all.
11 I do not think that I would be qualified to answer it
12 properly at this stage. If I was asked to study the
13 problem I could then submit my views on this more
14 specific aspect of the project.

15 Q. Do I understand that on the basis of
16 your argument you would favour pilotage on all ships in
17 the Harbour of Montreal? I am asking this in view of
18 the argument which you put forward that men should be
19 proficient in moving around in the harbour.

20 A. That was not the aspect I was looking
21 at. I was thinking of all ships and I had in mind some
22 small schooners and others. I think that the masters
23 of these schooners most of which have been operating in
24 the harbour for years have acquired experience to possibly
25 the same degree as a number of pilots and I do not think
26 that I would be prepared to say that the pilotage on such
27 vessels should be compulsory.

28 Q. You are referring to all those coasting
29 vessels, schooners?

30 A. Yes, schooners and coasting vessels,



1 (English)

2 even the canal-type vessel. I would include there land
3 vessels, small sizes of land vessels.

4 MR. LALONDE: Thank you Mr. Beaudet.

5 THE CHAIRMAN: Mr. Langlois?

6
7 CROSS-EXAMINATION BY MR. LANGLOIS:

8 Q. Mr. Beaudet, I am taking into consider-
9 ation the statement that you made to the effect that you
10 were expressing your own views and not those of the
11 Board. The purpose of my questions would be to get a
12 bit deeper into your thinking on these lines in
13 connection with this proposal of your organization here
14 becoming the pilotage authority.

15 My first question would be, are you in your
16 views looking into the possibility of taking over not
17 only the administration but also the operation of
18 pilotage or both?

19 A. Both.

20 Q. Including the licensing of pilots?

21 A. I would not like to include licensing
22 of pilots unless I know more about what is involved in
23 your question regarding licensing of pilots.

24 Q. What I have in mind there is the
25 determining of the qualifications, training and experience
26 of pilots before a licence would be issued to a harbour
27 pilot. Would you be prepared to go into this and take
28 over this part of the administration of the pilotage
29 service?

30 A. As far as training, as you say, the



1 (English)

2 determining of capabilities or not, is concerned, I
3 would say yes.

4 Q. I understand that the aids to navigation
5 within the limits of the harbours come under the St.
6 Lawrence Ship Channel; is that right?

7 A. That is correct.

8 Q. Are there any conflicts at present
9 existing between the St. Lawrence Ship Channel and the
10 administration of your port?

11 A. No. Mind you, I might say, Mr.
12 Langlois, the reason the Ship Channel puts up the buoys
13 and aids to navigation within the Montreal Harbour is
14 primarily not one exclusively of jurisdiction but
15 one of economy. They have the ships and the personnel
16 competent to do this work and if Montreal Harbour was to
17 equip itself to do the same job it would be much more
18 costly.

19 However, I might mention that at times it
20 happens that we at the request of the St. Lawrence Ship
21 Channel might replace some aids to navigation even at
22 times outside of the harbour limits.

23 Q. Would your recommendation go as far as
24 to suggest that ships going through the waters of your
25 port without using its facilities should have to take a
26 pilot from the port authority of Montreal?

27 A. Yes.

28 Q. If the ship does not use your facilities
29 what would be the reason behind the requirement that it
30 would take one of your pilots?



1 (English)

2 A. One would be primarily a safety reason.
3 If we want the maximum possible safety we must have
4 at our disposal all the tools.

5 Q. In such a case is there not a possibility
6 of conflicts with other authorities such as, for example,
7 the Seaway Authority?

8 A. No. With the Seaway Authority the
9 responsibility ends at the Montreal Harbour limits.
10 In the control of navigation of ships from the St.
11 Lambert lock down-bound we are now exercising exclusively
12 the control. There has been no conflict with the
13 Seaway Authority in this matter./

14 Q. Would your pilots not be called upon to
15 take vessels into the Seaway lock at least at St.
16 Lambert and out of that lock?

17 A. Now we are getting into some technical
18 problems as to where exactly the change of the pilot
19 should take place. That in my mind is something that
20 could be debated with the pilotage authority next to
21 ours. It would seem to me sensible, however, that in
22 the case of the St. Lambert lock that the pilot would
23 take over while the ship is in the lock because the ship
24 at that point is dead.

25 Q. But I believe, Mr. Beaudet, your pilot
26 would have to take a ship to at least a lay-by wall at
27 St. Lambert and take charge of her as from the lay-by
28 wall? Is that a fact?

29 A. Correct, yes.

30 Q. That is why I was asking you if there



1 (English)

2 was a possibility of conflict in the despatching in the
3 St. Lawrence Seaway, since you would have some kind of
4 control over the movement of ships at least to and from
5 the lay-by wall. There might be situations where
6 conflicts would arise between the Seaway authorities
7 and your port authority here?

8 A. I cannot foresee any because if there
9 were to be any conflicts they would have happened under
10 the present system where the pilots are changing at
11 St. Lambert lock and where the harbour master and the
12 despatcher of St. Lambert lock are working in close
13 collaboration regarding the movement of those ships up-
14 bound or down-bound to the St. Lambert lock.

15 Q. The purpose of my question, Mr. Beaudet,
16 was to find out as to whether we were not just merely
17 changing from one situation to the other where there would
18 still be just as much possibility of conflicts as there
19 is today.

20 A. The conflicts that I have mentioned are
21 ones of rules and regulations pertaining to an area -
22 that is, the harbour limits. Under the present set-up
23 the National Harbours Board is enacting rules and
24 regulations regarding the safety of ships, the control of
25 ships etc. within the harbour limits and the pilotage
26 authority does the same.

27 Q. But even if your suggestion ---

28 A. Would you permit me, Mr. Langlois, to
29 elaborate on this?

30 Q. Yes.



1 (English)

2 A. But there is no doubt in my mind that
3 under any system there will be at one point a change and
4 at that change the pilotage authorities, whoever they
5 may be, have to join forces and accept the rules.

6 Q. That is exactly, Mr. Beaudet, what I
7 had in mind. Whatever the system is it will be necessary
8 to have a high degree of cooperation?

9 A. Yes.

10 Q. Between your own administration, the
11 Seaway and whatever the pilotage authority is for the
12 river below the eastern limits of your port.

13 That brings me to my next question.

14 A. Could I be permitted to say this on this
15 matter? I agree with you on what you have said re-
16 garding this cooperation at the point of exchange of
17 responsibility, but I submit that at that point the
18 margin of safety is a very limited section. It is quite
19 different from a matter of having duplication of rules
20 and regulations and applications of rules and regulations
21 over a large area such as the Harbour of Montreal.

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1 English

2 Q. Even with the present system, Mr.
3 Beaudet, is it not possible to eliminate this dupli-
4 cation of rules by better working conditions and better
5 cooperation between the Pilotage Authority and the
6 other Authorities of the Port of Montreal?

7 A. All I can say on that point is that
8 the conditions have existed. I think there has been
9 an honest effort to take steps to come to this very
10 proposal that you are making, but I have to admit
11 that it has not yet come.

12 Q. But, sir, there are possibilities
13 that could be investigated in that direction. Is
14 that not a fact?

15 A. It has been very much investigated
16 before, without success, I am afraid.

17 Q. Well, nothing is impossible, Mr.
18 Beaudet. I venture to suggest -- tell me if you
19 don't agree with me - that something more could be
20 done in that direction?

21 A. Possibly.

22 Q. Would not the combined facilities for
23 the despatching of vessels and the despatching of
24 pilots in the Harbour of Montreal improve the
25 situation quite a lot if it was put into practice?

26 A. I don't quite understand what you have
27 in mind with the word "combined".

28 Q. Well, probably I have not given any
29 particular study to the consideration of the scheme,
30 but wouldn't it be possible to have if not a joint staff



1 English

2 at least a staff working closer together, using the
3 same communication facilities and working by the same
4 standards of efficiency and operation?

5 A. In my years of experience in adminis-
6 tration, I find that all these joint ventures, combined
7 efforts of two authorities, do not work. In any
8 administration somewhere there must be one boss.
9 When problems cannot be solved at the joint venture,
10 at the combined venture, a single authority must be
11 there where the problem can be laid and a decision
12 reached.

13 Now, we are talking of the problem
14 about delays and a decision cannot be considered. Any
15 such one authority must be able to decide fast.

16 Q. Speaking of the delays in handling
17 shipping, is it not a fact to say all these delays
18 are not always due to the pilots?

19 A. I think that is quite right. I
20 did not imply that they were all - the pilots were
21 responsible for all of them.

22 Q. Is it not a fact that some times the
23 delays are due to conditions of cast-off, when a
24 pilot gets on board and a ship is delayed, cannot
25 cast off at the time it has obtained permission to do
26 so from the Harbour Authority?

27 A. We are getting into actually the
28 technical aspect of handling ships. I think that
29 the Harbour Master would be more qualified than me
30 to reply to these specific questions.



1 English

2 Q. Now you spoke, Mr. Beaudet, of the
3 difficulty you have experienced in the past in getting
4 if not accurate at least information with regard to
5 investigations into breaches of regulations by pilots.
6 Do you not think that situation could be remedied
7 quite easily by again getting better cooperation be-
8 tween the Pilotage Authority and the National Harbours
9 Board for the administration of your Harbour here?

10 A. All I can reply is that we feel we
11 have made an honest effort to get this cooperation
12 and we have not got it yet.

13 Q. Am I to understand that if the same
14 honest effort were made by the other side that you
15 will get the information?

16 A. Possibly.

17 THE CHAIRMAN: I suppose, Mr. Langlois,
18 you still have a few questions and some of the others
19 will have some. There is no use rushing and trying
20 to finish this witness, so we will adjourn now until
21 two-thirty as usual.

22 MR. LALONDE: Do I understand, my
23 lord, that the Harbour Master will also be called?

24 THE CHAIRMAN: From what I understand
25 I think he will. I think he is here already.

26

27 ---Luncheon adjournment.

28

29

30



English

MR. JEAN MARIE JACQUES: My Lord, if I may for the record, my name is Jean Marie Jacques and I am acting for the National Harbours Board. With reference, My Lord, to the request for the filing of correspondence between the Board of the Port of Montreal and the Pilotage authority concerning investigations into alleged infractions of traffic regulations or instructions given by the Harbour Master and also pertaining to disciplinary action against the pilots, I wish to object to the production of such documents but I may say that the Board will file these confidential documents with the Commission.

THE CHAIRMAN: There is an objection to the filing of documents requested with regard to the correspondence between the Pilotage Authority and the National Harbours Board with regard to the investigation of casualties and disciplinary measures that may have been taken against the pilots and the objection is that these are privileged documents and they should be kept confidential but they are willing to file the correspondence under the condition it be kept confidential. This is the objection.

MR. LALONDE: My Lord, I wonder whether there is a possibility of a kind of half way confidentiality which would satisfy everybody. I believe if the Board would take a very strong stand about privileged documents the work of this Commission and the examination of Mr. Beaudet would be made very difficult indeed.

I would suggest to my learned friend, if he



1 English

2 is agreeable to it, that these documents could be made
3 available to counsel for the parties concerned before
4 this Commission, subject to the confidentiality or some
5 arrangement of the sort.

6 THE CHAIRMAN: This is a problem, of course,
7 that is going to arise when we are in Ottawa all the
8 time so I think we have to make our minds up about it.
9 Have you anything to add, Mr. Brisset?

10 I think as far as the Commission is concerned
11 I think we are very much interested in knowing why
12 apparently there is a lack of cooperation between the
13 various Authorities in the Harbour and with regard also
14 to the control of pilots so therefore, I think the
15 matter is pertinent to our investigation.

16 MR. LANGLOIS: I don't want to interrupt --

17 THE CHAIRMAN: That is all right.

18 MR. LANGLOIS: I just want to offer a
19 suggestion: Could not the Commission through its
20 counsel get the same information from the Department
21 files in Ottawa and make them available in confidence
22 to the lawyers to the parties before the Commission.

23 THE CHAIRMAN: I think that would be the
24 solution. That is exactly what we are discussing.

25 In this case from what I gather it is a
26 question of publicity. That is the main objection
27 and I understand it very very well, so therefore the
28 documents are going to be received by this Commission
29 as confidential and counsel for all the parties
30 concerned will be able to see them but if confidential



1 English

2 information therein is to be of course dealt with it
3 should be done with a certain care so that it does not
4 therefore become absolutely public.

5 MR. JACQUES: Yes, My Lord.

6 MR. LALONDE: Do I understand that as far
7 as pure matter of facts are concerned which would be
8 contained in such documents, they can be used on
9 examination.

10 THE CHAIRMAN: That is right. If it
11 is necessary at some stage that you pursue your
12 examination upon matters that would be confidential
13 then we might proceed in camera. We will decide that
14 at the time.

15 MR. LANGLOIS: Q. Mr. Beaudet, should
16 your organization the Local Port Authorities take over
17 as Pilotage Authority in the Harbour of Montreal,
18 would this not involve the hiring of additional and
19 highly qualified personnel. I do not mean the
20 personnel you have now are not qualified; far from it,
21 but in the field of pilotage?

22 A. Additional personnel to the ones
23 at present, yes, but additional -- I couldn't say if
24 it would be additional to the personnel that exists
25 in the actual Pilotage Authority.

26 Q. You no doubt realize that if you take
27 over the licencing of pilots within the Harbour of
28 Montreal that you will have to have a Board of
29 Examiners to examine the qualification of these pilots
30 as to their qualifications, and their past experience



1 and so on.

2 A. Yes, I am aware because the Harbour
3 Master in Montreal has quite often acted on that
4 Board.

5 Q. Is it not a fact, sir, that this could
6 go a bit further than what is being done now because
7 I understand that your personnel are taking part now
8 in the examination of the docking pilots but the
9 proposal put forward by the Shipping Federation
10 expands the duties of the docking pilots in the river
11 to as far as Sorel and this would necessitate a wider
12 field of investigation on the part of your personnel
13 as to the qualifications of the prospective candidates.
14 Is that not a fact?

15 A. I think you are quite right.

16 Q. Now, are you aware, Mr. Beudet, that
17 the proposal of the Shipping Federation is now to
18 replace the river pilots for the piloting of ships
19 from Sorel upstream to Montreal in order to do away
20 with the use of river pilots now in existence between
21 Three Rivers and Montreal?

22 A. No, I am not aware of this fact.

23 Q. You are not aware?

24 A. No.

25 Q. Did you both participate in the
26 establishment of separate pilotage services in the
27 Harbour of Montreal some six years ago, 1957 or 1958?
28 when the docking pilots were established as such for
29 the Harbour of Montreal?
30



1 English

2 A. As far as I remember, the National
3 Harbours Board -- at least the Montreal Harbour
4 management was not consulted on that matter when the
5 Harbour Pilot Authority or section was created in 1954
6 and I was Port Manager then.

7 Q. Is it your knowledge that when this
8 idea of having separate docking pilots or harbour pilots
9 in Montreal was put forward that the Shipping Federation
10 was against the idea at the start?

11 A. No.

12 Q. Do you believe rather that the
13 establishment or creation of a separate pilotage district
14 for the Harbour of Montreal has improved the situation.
15 as far as the handling of ships out of your harbour
16 is concerned?

17 -

18 -

19 -



1 English

2 A. No, I am not aware that it has been
3 worse or better.

4 Q. Is it not a fact that this new system
5 established from six years ago has provided the
6 Harbour of Montreal with the services of pilots whose
7 functions are limited to the handling of ships within
8 the harbour and therefore whose functions afford them
9 an opportunity of getting a better knowledge of the
10 handling of vessels within your harbour along the
11 lines suggested in your proposal this morning?

12 A. I think this is pretty obvious.

13 Q. Is it not a fact ~~then~~ if the proposal
14 put forward now by the Shipping Federation is accepted
15 that this would tend to, if not jeopardize, at least
16 diminish the results which were obtained by the
17 creation of special pilots for the harbour of Montreal
18 in 1958?

19 A. Not necessarily.

20 Q. If these now are not only called upon,
21 as they are presently, to handle ships exclusively
22 within the limits of the harbour -- and by that I mean
23 those limits confined between the Seaway on the west
24 side of the Victoria Bridge and Long Point on the other
25 side -- these pilots who are now limited to the
26 handling of ships in this area are called upon to go
27 as far as Sorel, is it not a fact that they lose by way
28 of experience because they will not be called upon to
29 handle as many ships within the confines of your
30 harbour?



1 English

2 A. I think your statement is not completely
3 correct. The harbour pilots now are called upon --
4 and I would like the harbour master to verify this --
5 to bring ships from Anchorage at Lanoraie to any place
6 in the upper harbour, in which case they are really
7 working within the actual limits of the harbour.

8 Q. This work is done actually by the
9 river pilot and not by the harbour pilot?

10 THE CHAIRMAN: The evidence we have is
11 that if a ship is anchored at Lanoraie he has to take
12 the river pilot and change at Long Point and then take
13 a harbour pilot.

14 No, a river pilot would go right to the
15 St. Lambert or to the dock.

16 MR. LANGLOIS: The situation is, My Lord --
17 and I do not want to give evidence because it is already
18 on paper -- that the harbour pilots will take ships only
19 from Long Point. If any ship is coming from farther
20 below that it will be taken alongside by the river
21 pilot and when that ship sails again it will be taken
22 from the dock in the harbour down to whatever the
23 destination is down river.

24 THE WITNESS: Well, it is quite possible
25 this is something I was not aware of. I was under the
26 impression that from Lanoraie up was the harbour pilots's.

27 MR. LANGLOIS: Q. We are just trying to
28 get to the bottom of this and I just want to find out
29 what is exactly in your mind to this effect. My
30 question was, if as a result of the acceptance of the



1 English

2 proposal put forward by the Shipping Federation we
3 extend the functions of the present harbour pilots
4 to cover the river as far down as Sorel, the western
5 limits of the Sorel harbour, are we not to take away
6 by way of experience from these harbour pilots some
7 of the experience that they have now because they will
8 be called upon to handle less ships within the confines
9 of your harbour?

10 A. At the start of such an operation, I
11 would think you are quite right. But the main point that
12 I was trying to make is that at present river pilots
13 take the ship to its final destination at the berth
14 in the harbour, but with the proposal the harbour pilot
15 will do this work. In other words I think that there
16 will be more pilots needed to do this job, but each one
17 of them will handle more ships at those berths and
18 consequently will become more versed and experienced
19 in that handling in time -- in time, of course.

20 Q. Mr. Beaudet, I do not know if the
21 proposal of the Shipping Federation has been fully
22 explained to you. Mr. Brisset will correct me if I
23 am wrong, but the proposals is presented to replace the
24 present system, which is as follows. You have a
25 pilot taking the ship from Quebec to Three Rivers.
26 There is another river pilot taking the ship from
27 Three Rivers up to her final destination within the
28 harbour of Montreal. Then you have a third group of
29 pilots highly specialized and trained and doing nothing
30 but harbour movements -- movements within the harbour.



1 English

2 The proposal of the Shipping Federation is
3 to do away with one of these groups of pilots and have
4 the harbour pilots of Montreal extend their duty as
5 far as Sorel. So if they are called upon to travel
6 more on the river -- 40 or 35 miles more -- each
7 pilot individually would have less experience in
8 handling ships in the harbour as compared to the pilot
9 who does only that. Is that not a fact?

10 A. I cannot say it is. Of course, it
11 would need a real analysis. I know what you are trying
12 to say -- that it is the time element involved which
13 might work out to the disadvantage of each pilot docking
14 ships. But I think only a close analysis of the
15 movement of ships in the harbour over a certain period
16 could determine whether the fact that you are trying to
17 establish is right or wrong. But I cannot certainly
18 say that your statement is a fact now.

19 Q. Would you agree with me that if a pilot
20 is called upon to take a ship from Montreal to Three
21 Rivers it would take him more time than to take the
22 ship as far as Long Point only?

23 A. Yes, correct. It is obvious.

24 Q. Therefore within 24 hours -- take for
25 example that he is on duty for 24 hours. He will
26 be called upon to manoeuvre less ships than otherwise
27 he would if he was limited to the confines of your
28 present facilities in Montreal?

29 A. Yes, but if he handles one ship in a
30 day, whether he handles it in a short distance or in a



1 English

2 longer distance, his experience for that day will be
3 exactly the same in both cases.

4
5 Q. Presently that is exactly what is being
6 done, but I understood -- and correct me if I am wrong
7 -- that the port authorities of Montreal were interested
8 in the safe handling -- and by "handling" I mean the
9 docking and undocking of ships -- within your harbour;
10 but you are not concerned with the ship once it is
11 below Cap St. Michel. You are interested in the
12 preservation of safety within your harbour, your present
13 facilities?

14 A. Correct.

15 Q. As it is presently you have a group of
16 pilots highly specialized and doing nothing but that?

17 A. Only part of that -- that is, the
18 movement of ships, but not concerned with the ships
19 coming up the river meeting another one at the clock
20 tower or meeting another ship anywhere else at dangerous
21 places in the harbour and having to dock that ship at
22 some of the berths that are really dangerous. This
23 river pilot might be called upon to do this with a
24 big ship once or twice in a year.

25 I am of the view that if the harbour pilots
26 were doing it they probably would do it two or three
27 times a year. But may I suggest this, Mr. Langlois?
28 It will be a very easy exercise to take all records
29 and apply the rule to the records of ships' arrivals
30 and departures last year and set up what we might think



1 English

2 is necessary in the way of number of pilots and then
3 determine exactly and reply exactly to your question
4 as to whether each pilot in that case would get more
5 experience under this system or the other one by finding
6 out how many times he would have actually docked a ship.
7 Those records are available. It is just a matter of
8 making an analysis for you sufficiently detailed that
9 you can look at it.

10 Q. I am afraid, Mr. Beaudet, we cannot go
11 into that. I do not think it is the proper time either
12 for me to do so. I just want to make one comment,
13 that as far as the handling of big ships is concerned
14 to St. Marie's currents, we have a very limited number
15 of pilots in the class A pilots and they are the only
16 ones who handle these ships. They require quite a lot
17 of experience, as the record will show.

18 THE CHAIRMAN: There is a remark here, an
19 impression that we were coming back to what existed
20 before with this system -- to river pilots doing the
21 docking in Montreal, because whether you start from
22 Three Rivers or Sorel there is still a sizeable stretch
23 of the river left. With this system, that takes us
24 to 6 years ago where exactly the same thing existed.
25 All the pilots from Three Rivers were handling all the
26 ships to the harbour in Montreal and docking them.
27 So we are reverting to that system, it seems to me,
28 apparently. Maybe I am wrong.

29 MR. LANGLOIS: That is why, My Lord,
30 the experience has been good with the docking pilots.



1 English

2 We are going to reverse this if we accept the proposal
3 of the Shipping Federation.

4 MR. BRISSET: My Lord, if my arithmetic
5 is right I think from Sorel to Montreal as compared
6 to from Three Rivers to Montreal we have only about
7 half the distance.

8 THE CHAIRMAN: The distance between Three
9 Rivers and Sorel and Sorel and Montreal, what is the
10 distance -- 30 miles? In any event this we can find
11 out very easily.

12 MR. LANGLOIS: In my knowledge of the river
13 this is about half the distance.

14 MR. LALONDE: It is 40 miles from the
15 top of the harbour to the limits below and 32 to
16 Three Rivers.

17 THE CHAIRMAN: So my 30 miles was not too
18 bad.

19 MR. LANGLOIS: Thank you, Mr. Beaudet.

20 THE CHAIRMAN: Are there any further
21 questions of Mr. Beaudet?

22
23 CROSS-EXAMINATION BY MR. JACQUES;

24 Q. Mr. Beaudet, has your management
25 considered the possibility of installing electronic
26 equipment to control traffic in the harbour?

27 A. Yes, we are looking into this possibility
28 at the present time.

29 Q. May I ask what type of equipment are
30 you looking into?



English

1 A. We are concerned with two newer types
2 of control. One is by close range television and
3 electronic recording of orders and conversations on
4 the VHF.

5 Q. And these are the only two fields which
6 you are exploring at the moment?

7 A. Correct.

8 Q. You are not thinking of radar controlled
9 traffic?

10 A. No.

11 Q. Nor the tele-metering of ships?

12 A. No. We have not entered that field
13 yet.

14 MR. JACQUES: Thank you.

15
16 RE-EXAMINATION BY MR. BRISSET

17
18 Q. Mr. Beaudet, in the future development
19 of the harbour of Montreal do you foresee that
20 additional facilities by way of docks, berthing places
21 will be created on the south shore, say, between Long
22 Point and Lanoraie or Sorel?

23 A. In the very far future.

24 Q. What has been the experience over
25 the last few years in this regard? Have there been
26 new docks built and berthing arrangements made?

27 A. On the south shore of the river there is
28 one major dock existing, which is Contrecoeur built
29 during the last ten or twelve years. There is an
30 anchorage for unloading oil which is of a temporary



1 nature. There is a navigation which has been approved
2 for the Shawinigan Water Power, now the Quebec Hydro,
3 for the construction of a dock at Tracy near Sorel.
4 The construction of this new dock actually for Quebec
5 Hydro is scheduled to start some time in the spring.

6 Q. What about Quebec Iron and Titanium;
7 do they have docks facilities in that area?

8 A. No.

9 Q. At Sorel itself?

10 A. Not in the harbour limits.

11 MR. LANGLOIS: My Lord, I have two
12 additional questions.

13 FURTHER CROSS-EXAMINATION BY MR. LANGLOIS:

14 Q. Do you think, Mr. Beaudet, that there
15 will be much difficulty in getting the National
16 Harbours Board and the Pilotage Authority in Ottawa --
17 and I note in passing they both come under the same
18 Minister -- to pass concurrent regulations as far as
19 the handling of ships within the harbour of Montreal
20 is concerned?

21 A. Basically I would say that there seems
22 to be no objection to co-ordination. All I can say
23 is that the recordsshow that over the years it has
24 not happened.

25 I think I would like to make for the
26 record a statement about the status of the National
27 Harbours Board and that of the Pilotage Authority of
28 the Department of Transport. No doubt our solicitor
29 would be more competent to outline the facts but I
30



1 English
2 just want to give the basic difference. The Pilotage
3 Authority of the Department of Transport is under
4 the Deputy Minister of Transport while the National
5 Harbours Board does not in any shape or form come under
6 the authority of the Deputy Minister. It is an agency
7 of the Crown only responsible to the Minister and not
8 to the Deputy Minister.

9 Q. In this respect I do not think that
10 applies to the argument. The supreme Pilotage
11 Authority is the Minister of Transport and not the
12 Deputy. ~~That is~~ That is certainly what I had in mind when
13 I thought of concurrent regulations. Is it not
14 a fact that your National Harbours bylaws as bylaws
15 are introduced into the Cabinet by the same Minister,
16 to wit the Minister of Transport?

17 A. That is correct, I think.

18 Q. This is my second question: Since
19 you are called -- I do not mean you but your personnel
20 -- to act on examining boards for docking pilots, would
21 there be much objection or difficulty in getting a
22 similar arrangement by which a representative of
23 your organization could sit on these inquiry boards
24 into shipping casualties within the confines of your
25 harbour, so you would get first hand information
26 and also participate in the proceedings? Would you
27 see any objection to a system of that kind?

28 A. No, to the contrary.
29
30



1 English

2 Q That would eliminate quite a bit of
3 the conflict which presently exists?

4 A. Possibly.

5 MR. LANGLOIS: Thank you, Mr. Beaudet.

6 MR. LALONDE: You referred in your
7 previous testimony to conflicting rules. Did you say
8 that the word "conflicting" would apply to regulations
9 passed by the National Harbours Board and other
10 authorities?

11 A. I think I did.

12 Q. Could you give me an example of con-
13 flicting regulations passed by the National Harbours
14 Board and other authorities?

15 A. There is none that comes to my mind
16 now.

17 MR. LALONDE: I would submit to you
18 that you would have quite a lot of difficulty in
19 finding an instance of that.

20 THE CHAIRMAN: There might be conflict
21 in that one thing might be a requirement in one of
22 the regulations and the absence of that requirement
23 in the other regulations.

24 MR. LANGLOIS: Yes; but in that
25 respect the pilots under the bylaws have to obey all
26 the rules and regulations in effect.

27 THE CHAIRMAN: That would be the
28 answer.

29 THE WITNESS: I would like to say that
30 possibly I have used the word "conflict" to mean more



1 English

2 a lack of interrelations between the two rules and
3 regulations rather than one contradicting the other.

4 MR. LALONDE: You were talking of it
5 in terms of communications -- of administrative com-
6 munications -- between authorities in the application
7 of rules?

8 THE WITNESS: Yes, correct.

9 MR. LALONDE: I am asking you a
10 question here: I presume that in addition to National
11 Harbours Board regulations you also have other regu-
12 lations applying in the harbour -- pollution, for
13 instance. Does it come under an Authority?

14 THE WITNESS: There also there are
15 two sets of regulations, one by the Department of
16 Transport and the other by the Harbour.

17 MR. LALONDE: And both applied by
18 the Harbour Board?

19 THE WITNESS: One is applied by the
20 Harbour and the other is applied by the Department of
21 Transport.

22 MR. LALONDE: Again a conflict of
23 authorities?

24 THE WITNESS: It depends what sense
25 you give the word "conflict".

26 MR. LALONDE: My question was relating
27 not to the Department of Transport as such passing
28 various regulations but to Pilotage Authority
29 regulations versus National Harbours Board regulations.

30 MR. LANGLOIS: Are you aware of any



1 English

2 instance where a pilot was not penalized or dis-
3 ciplined for a breach of his own regulations by the
4 Pilotage Authority? Are you aware of one single
5 case?

6 THE WITNESS: No, we are not aware.
7 As I said before, there were occasions where we
8 asked whether disciplinary measures were taken or
9 not and we have not received a reply to our inquiry.

10 MR. LANGLOIS: That is a lack of
11 communication between the Pilotage Authority and
12 your Authority?

13 THE WITNESS: Possibly.

14 MR. LALONDE: It may be a consolation
15 to you to know that you are not the only one.

16 THE CHAIRMAN: They may feel that as
17 to whether disciplinary action was taken or not -- they
18 may feel that this is a matter of the internal affairs
19 of the Pilotage Authority.

20 THE WITNESS: I should like to perhaps
21 question the authority of the Pilotage Authority to
22 withhold any such information. We would have liked
23 to receive it if, for only one reason, to show that
24 there was coordination between the two bodies; but if,
25 for any other reason, they felt justified in withholding
26 any such information that was quite in order.

27 THE CHAIRMAN: But the situation would
28 be altogether different with respect to accidents
29 happening in the harbour water and where there was a
30 question of traffic control, for instance; then you



1 English
2 would be interested in order to find out what exactly
3 happened?

4 THE WITNESS: Very much so.

5 THE CHAIRMAN: There you have a clear
6 interest.

7 Are there any other questions?

8 MR. J. M. JACQUES: I might just
9 comment for a moment, Mr. Chairman, concerning the
10 interrelationship between the National Harbours Board
11 and the Ministry of Transport. It just so happens
12 that the Minister of Transport was designated by the
13 Governor in Council to act as the Minister for the
14 purposes of the National Harbours Board. It could
15 be any Minister.

16 MR. LANGLOIS: It is the case with
17 all Ministers.

18 THE WITNESS: In the case of the
19 pilots it would probably by law be the Minister of
20 Transport.

21 THE CHAIRMAN: It may be that it was
22 thought that the Minister of Transport was the more
23 logical one to appoint on account of his other respon-
24 sibilities as regards shipping and transport.

25 MR. J. M. JACQUES: But it could have
26 been the Ministry of Public Works, for instance.

27 Anyway, I wanted to point this out.

28 MR. BRISSET: If I may ask your per-
29 mission to delay the continuation of the cross-
30 examination of Mr. Colley, I would like at this time,



English

my lord, with your permission, to call on Mr. Parsons who I expected would be called this afternoon at two-thirty. With your permission I would like him to take the stand.

THE CHAIRMAN: That is quite all right.
There is no objection.

FREDERICK LESLIE PARSONS, sworn

DIRECT EXAMINATION BY MR. BRISSET:

Q. Mr. Parsons, will you state your full name?

A. Frederick Leslie Parsons.

Q. Mr. Parsons, I understand that you are at present the President of the Shipping Federation of Canada?

A. That is correct.

Q. And you have been so since when?

A. 1962.

Q. And I take it that your term of office will expire this year?

A. Yes.

Q. I see that you are smiling as you are saying so. I assume that even although it is an honour it is also a burden, isn't it?

A. It adds to your load.

Q. Mr. Parsons, you are also the President of Saguenay Shipping Limited?

A. Yes.



1 English

2 Q. Will you tell us of that company --
3 give us a brief outline of the scope of its activities?

4 A. Well, Saguenay Shipping Limited is a
5 subsidiary of the Aluminum Company of Canada.

6 Its primary function is to transport
7 the raw materials of associated companies in the group
8 mainly in the direction of Canada, but not necessarily
9 so; we also carry raw materials from British Guiana
10 to England.

11 Built around this raw material movement
12 we also have some general cargo services - one from
13 Eastern Canada to the Caribbean, pretty well all of
14 the islands, and, second, to the mainland area; and,
15 thirdly, a service to the United Kingdom which is
16 connected with a service from the United Kingdom and
17 the Continent to the Caribbean also. In conjunction
18 with the carriage of alumina from Kitimat, we also
19 operate a contract service from the West Coast of
20 Canada to the United Kingdom-Continent.

21 Q. In other words, you have, if I may
22 describe it in this manner, a sort of triangular
23 trade movement?

24 A. Yes, in the Atlantic.

25 Q. Now, so far as the St. Lawrence River
26 route is concerned will you tell us where the raw
27 material which is carried -- where that raw material
28 is used to manufacture your finished product?

29 A. It is brought into Port Alfred --
30 both alumina and bauxite -- and is carried from Port



1 English

2 Alfred by rail to a place called Arvida.

3 Q. And the raw material -- alumina and
4 bauxite --coming in to Port Alfred originates generally
5 from what part of the world?

6 A. The alumina comes from British Guiana
7 and from Jamaica, and with an occasional cargo from
8 French Guinea, as opposed to French Guiana; that is
9 French Guinea on the African coast. The bauxite
10 mainly comes from Surinam and British Guiana.

11 Q. Now, in so far as your bottom require-
12 ments are concerned in order to move not only the
13 primary material and finished product but also the
14 goods concerned in the other place, where and how did
15 you obtain the ships? In other words, do you own
16 all of the ships or are you mainly on the chartering
17 market?

18 A. Saguenay Shipping, as a company, does
19 not own any ships. All of our ships are chartered
20 on the market.

21 We have two or three types of charter
22 -- some bare boats, but mainly the ordinary time
23 charter type of operations is what we use and they
24 may vary in period; they may vary from a couple of
25 months to sixteen years.

26 Q. In order to give us a very rough idea
27 of the scope of your shipping operations could you
28 give us the rough number of ships that you have had
29 in your service, say, from 1956 onwards, to today?

30 A. From . . . ?



1 English

2 Q. Say 1956?

3 A. From 1956; I would like to ask do you
4 mean an average number in those years?

5 Q. Yes, I would like to form an idea of
6 the size of the fleet that you have used in your
7 operations during the years up to date. Are we
8 talking of one or two ships or a larger number?

9 A. Do you mean 1956 pre-Suez or post-Suez?

10 Q. Just the average from 1956, or 1957,
11 if . . .

12 A. I guess the average fleet that we
13 have operated during that time would be in the neigh-
14 bourhood of sixty ships.

15 Q. And today?

16 A. Today we probably have forty-one;
17 in the summer time that will go up to about fifty --
18 this year.

19 Q. In other words . . .

20 A. This year it may go up to sixty. I
21 am talking of 1964.

22 Q. When you say that in the summer you may
23 have more vessels am I right in understanding that
24 in your class of parties you will have seasonal
25 charter parties for the period of time that navigation
26 is open into Port Alfred?

27 A. Yes; it can be arranged at an economic
28 price we do so.

29 Q. In other words, you may have a ship
30 chartered for a number of years but during the winter



English

time she will return to her owner while . . .

A. While the St. Lawrence is closed.

Q. While the St. Lawrence navigation is closed?

A. Yes.

Q. Now, as you have had over the past seven or eight years a considerable number of ships in your service under charter party, I understand that your company has developed a form of charter party which has become known in the chartering market as the Saguenay pro forma; is that correct?

A. Yes.

Q. This Saguenay pro forma was developed using the well known New York Produce Exchange form of charter party?

A. That is the basic face of the charter.

Q. Would you be good enough to file, for the information of this Commission, a specimen of your pro forma time charter party as it is now revised, as Exhibit 951?

A. Yes.

---EXHIBIT NO. 951:

Specimen of Saguenay pro forma time charter party.

THE WITNESS: This particular one is dated May 5th, 1962. It is the latest one.

Q. Just to illustrate how ships are chartered, am I right in understanding that, for instance, either through the London or New York



1 English

2 market, when shipowners offer their ships to you to
3 be chartered the offers are made on the basis of your
4 form that has now become known in the chartering
5 worldwide markets?

6 A. Yes.

7 Q. And then, the general form being
8 agreed as the basis, the specific forms are negotiated?

9 A. Yes. There are deviations, but the
10 basic form -- we insist on using the basic form for
11 reasons of administration.

12 Q. Am I right in saying here that this form
13 of charter party is known the world over in charter
14 circles?

15 A. I think that would be a reasonable
16 statement.

17 THE CHAIRMAN: This one -- the one
18 that has been filed as an exhibit -- I can see in
19 the margin that some changes have been made.

20 THE WITNESS: Yes.

21 MR. BRISSET:

22 Q. These are special conditions of your
23 company that are charges or additions to the standard
24 form which is known as the New York Time Produce Form?

25 A. Yes. With experience we are con-
26 tinually revising the form about every three or four
27 years -- four years.

28 Q. In order to suit your particular re-
29 quirements?

30 A. Yes.



1 English

2 Q. Now, I would like, Mr. Parsons, to
3 refer you to clause No. 2 of that charter party, as
4 to what are the obligations of the charterers?

5 A. Well, in a straight time charter we
6 have to supply the bunkers . . . Well, first
7 of all, I would have to pay for the hire or we don't
8 get the ship. Then we supply the bunkers, pay,
9 normally, crew overtime, pay port expenses . . .

10 Q. All port charges are for the account
11 of the charterer?

12 A. Tugboat hire.

13 Q. And what of pilotage?

14 A. Pilotage is paid by the charterer
15 in all cases.

16

17 -

18

19

20

21 -

22

23

24 -

25

26

27

28 -

29

30



1 English

2 MR. LANGLOIS: Agency fees also?

3 THE WITNESS: Well, we are talking about
4 a company that is located in Montreal.

5 The question, I presume, relates to
6 fees in another country; is that what your question was?

7 MR. BRISSET:

8 Q. Let us divide the question. When a
9 ship which you have under charter comes to Montreal,
10 who handles the ship?

11 A. We have our own staff here to do that.

12 Q. You do not employ an agent to handle
13 the ship in your port?

14 A. No.

15 Q. If a ship is calling at a foreign
16 port, would you have in certain places your own organi-
17 zation, say like in Jamaica or British Guiana to
18 handle ships?

19 A. Well, the Saguenay as such, we only
20 have our own organization in Halifax and Vancouver
21 in Canada. We have a subsidiary company in the
22 U. K. but it doesn't handle any ships so you may say
23 outside of Montreal, Vancouver and Halifax we employ
24 agents in every port in the world.

25 Q. When you employ agents who pays the
26 agency fees?

27 A. The agency fee is paid by the charterer,
28 the only exception being to that where the crew are sick,
29 the owner may have to pay a small amount of money for
30 looking after the crew or such things as that.



1 English

2 Q. In other words, if the agent that has
3 been appointed in a foreign port is to deal with the
4 matters that are the obligation of the charterer like
5 looking after the crew then the agent will make a
6 charge which will be payable by the owner?

7 A. Yes, only such things as apply to the
8 owner, particular things, mainly his crew. The
9 Captain may do it or he may ask the agent to do it.

10 Q. Now, in relation to the carrying of
11 your raw material into plants of the Aluminum Company
12 and the finished product to various ports of the world,
13 do you engage also in what I would call the general
14 cargo trade?

15 A. Yes, out of Eastern Canada to the
16 Caribbean, out of Eastern Canada to the northern part
17 of Europe, that is the U.K. continent and from the U.K.
18 continent down to . . .

19 Q. In other words in your activities you
20 do carry in the ships Canada's export and import goods?

21 A. Yes.

22 Q. Do you have at the moment any service
23 on the Great Lakes?

24 A. Let us be specific, not at the moment,
25 in the summertime. In the summertime we have a very
26 small service that operates from Canadian ports and
27 American ports, going down the St. Lawrence, stopping
28 at Montreal and Quebec and goes down into the Caribbean,
29 mainly to Venezuela, although Jamaica is quite frequently
30 included in that service.



English - ~~Parsons~~

Q. Mr. Parsons, there has been a question that has been discussed at length before this Commission and I would like to take advantage of your presence here to state your own views in the light of your experience.

The question that has come up before this Commission, and there is evidence to that effect, is that there is a tendency today in the size of ships to increase. Would you be able to comment on this particular topic as compared to what ships were ten or fifteen years ago?

A. Yes. Well, it depends an awful lot on the trade in which you are engaged. For example, in the Gulf trades, the tendency is definitely to increase. I would say I notice we are just talking about the St. Lawrence River area -- in the last two or three years among quite a few of the liner companies operating in the general cargo service out of the St. Lawrence, the tendency has been to decrease the size of the ships. I know the Saguenay has had that tendency. I notice that C. P. S. S. are decreasing the size of their ships.

Basically that results from the fact that say ten or fifteen years ago grain used to be the commodity that was carried quite frequently in the general cargo service. Now grain is moved by the larger ships and the parcels of one thousand, two thousand and three thousand tons of grain that you used to pick up have just about disappeared.



1 English

2 The general cargo service out of the
3 St. Lawrence has a tendency to decrease while the
4 bulk cargo service in and out has a tendency to
5 increase.

6 There is a limit to the increase, I
7 would imagine, that can be developed as regards ships
8 coming to Montreal in the channel there.

9 Q. What is the average tonnage in your
10 present fleet of bulk carriers, for instance?

11 MR. LALONDE: Is that deadweight
12 tonnage or what?

13 THE WITNESS: Yes, I am speaking of
14 deadweight.

15 A. Well, the combined alumina and bauxite,
16 I would say, averages now about 13,000 to 14,000.
17 That is in the alumina and bauxite trades.

18 Q. How would that compare to what we had
19 if we go back ten or fifteen years?

20 A. Around ten thousand, and the Parks
21 used to be 10,700 and the Liberties used to be about
22 10,800, and they were the main ships used in the
23 bulk trades.

24 Q. We are speaking here, of course, of
25 deadweight tonnage?

26 A. Yes, of 2240 pounds.

27 Q. Yes. If we were to speak of gross
28 registered tonnage, could you give us the corresponding
29 figures?

30 A. I could give it for a bulk carrier.



1 English

2 The gross tonnage is a very misleading measurement.

3 Q. I know.

4 A. I don't want to get into that. It
5 would take all afternoon, but I can look at a piece
6 of paper in my pocket and give you the average for
7 those two that I have given you.

8 Q. I think you are referring to the paper
9 that you left with me?

10 A. Yes. The Suncampanella which was a
11 Liberty ship and the GRT on that was 7892.

12 Q. And the net?

13 A. The net would be 4380, and that is
14 about average for the Parks and Liberties and this
15 other one here, the Cornwall is a ship of about
16 15,000 deadweight plus or minus a couple of hundred
17 tons. Her GRT would be 10,564, and her NRT would be
18 6365.

19 Both of these ships are closed shelter
20 decks. Consequently they have a proportionately
21 higher NRT than if they were open shelter decks.

22 MR. BRISSET: That is all.

23 COMMISSIONER SMITH: My lord, I would
24 like to ask Mr. Parsons a couple of questions.

25 Mr. Parsons, you mentioned that fifty
26 or sixty of your ships were on time charter?

27 THE WITNESS: Yes.

28 COMMISSIONER SMITH: Can you tell the
29 Commission whether there is buried somewhere in the
30 charter party the port charges which would include



1 English
2 pilotage and all other port imposts, or is that
3 separated from the charter party?

4 A. No, that would be in the charter party.
5 Basically in a charter party, let us deal with a time
6 charter, which is the simplest.

7 COMMISSIONER SMITH: Yes.

8 THE WITNESS: Fundamentally the owners
9 are responsible for the navigation of the ship and the
10 charterer crews and feeds the ship. He would also
11 put lube oil on.

12 Then, I believe, I think I am correct
13 in saying that any expense that the ship incurs,
14 except as I mentioned a man getting sick, which would
15 be the owner's responsibility, any expenses that that
16 ship incurs while working for us we pay, even to the
17 extent of paying a sick mariner's dues in the St.
18 Lawrence River. We would pay those charges on behalf
19 of him or the crew of a ship we assign. Do I make
20 myself clear?

21 COMMISSIONER SMITH: Yes, that is
22 clear.

23 Now, just one other question, Mr.
24 Parsons. When the Commission was in Kitimat, in
25 Prince Rupert, the officials from Kitimat were before
26 the Commission and gave us some testimony and they
27 were asked what the incidence of pilotage charge
28 was on a ton of aluminum, and the answer they gave us
29 was between 68 and 70 cents a ton. I am not sure
30 whether they were referring particularly to movements



1 English

2 on the Pacific or elsewhere. Would you have any
3 information you can give the Commission on the inci-
4 dence of pilotage charges on the St. Lawrence?

5 THE WITNESS: I wouldn't have at
6 my fingertips. I certainly could make it available.

7 COMMISSIONER SMITH: You could make it
8 available?

9 THE WITNESS: Yes. We can give the
10 cost of almost anything.

11 THE CHAIRMAN: We will have to make
12 clear what is needed, whether it is the cost of
13 pilotage in Bagotville or in the Kitimat area, and
14 secondly, whether it would be on the finished product
15 only when going out or whether it is also the cost of
16 pilotage when the alumina is coming in, or bauxite
17 and alumina in the Province of Quebec. Which one
18 do you want, or do you want all?

19 MR. BRISSET: My lord, we will have
20 some figures to present here. Then we can decide
21 what further breakdown will be required, but the
22 point I want to make before your lordship is that, I
23 think, as is apparent from the evidence of Mr. Parsons,
24 the shipping operations of Saguenay Shipping are
25 integrated operations in the sense that not only do
26 they carry their own products but in order to com-
27 plete the cycle they carry also general cargo and
28 therefore I will submit to your lordship that the
29 total amount paid in pilotage as is reflected in the
30 primary operation of carrying the primary products or



1 English

2 finished products.

3 In other words, the company, I assume,
4 I do not want to speak for Mr. Parsons, would hardly
5 be one that would be worth operating if it was
6 restricted to bauxite or alumina or just the finished
7 product.

8 THE CHAIRMAN: We had evidence also
9 given to the effect that the shipments over there of
10 aluminum were only part cargoes.

11 MR. BRISSET: That is right.

12 MR. LANGLOIS: Yes, my lord. In
13 this respect ---

14 THE CHAIRMAN: You were the one asking
15 the questions.

16 MR. LANGLOIS: Yes. As your lordship
17 will recall we ran into a bit of trouble there with
18 liner shipments, which is quite a different thing. If
19 we are going to give as evidence the incidence of
20 pilotage dues on the sale of aluminum on the world
21 markets, my lord, I am advancing or making a suggestion
22 that I should be allowed to examine the witness to get
23 the incidence of all the port charges such as docking
24 dues, use of tugs and so forth.

25 As you know, in Kitimat, your lordship
26 will recall, the tugs are owned by the company. There
27 was a high enough charge for using tugs by liners. If
28 we are going to get into these port charges which may
29 have an incidence on the sale of aluminum on the world
30 market, well let us get the whole story and have the



1 English

2 whole question on those other charges.

3 COMMISSIONER SMITH: Well, my lord,
4 all I had in my mind was to complete the picture that
5 we only have in part now. We have on the West Coast
6 the incidence of dues on aluminum, and on the East
7 Coast we have it on coal, and we have some other
8 evidence that was given here before on grain and
9 some otherproducts.

10 It occurred to me it might be of value
11 to have some information on the incidence of pilotage
12 charges on the movement of aluminum or bauxite or
13 alumina into this area, the St. Lawrence or the
14 Saguenay, or whatever it may happen to be.

15 It was not my intention that any very
16 elaborate block of statistical information be prepared
17 in order to get that result. I thought it was just
18 something that may be easily compiled and calculated
19 and supplied.

20 THE CHAIRMAN: What you would like to
21 get is something similar to what you got with regard
22 to the transportation of coal and other commodities
23 at various places.

24 COMMISSIONER SMITH: That is right.

25 MR. LANGLOIS: My lord, when I made
26 this remark I did not want to pry into Mr. Parson's
27 business or anybody else's business. If we have been
28 told part of the story we should tell the balance
29 and get all of it.

30 THE CHAIRMAN: That would be the same



1 English

2 thing for coal in North Sydney and also wheat at other
3 places, and so on.

4 MR. LANGLOIS: Well, my purpose, my
5 lord, is that yesterday and the day before we heard
6 evidence that pilotage might have been the further
7 straw that broke the camel's back. I want to know
8 how much the camel was loaded when the feather was
9 put on its back, which is very important.

10 COMMISSIONER RENWICK: There is a
11 simple calculation that I have been making here, I
12 think, in answer to Mr. Smith's question.

13 Aluminum, as I understand it, moves
14 in parcel lots, not cargo lots. If you take \$1100
15 before going into Kitimat, in and out, which is a
16 figure I have picked out of the air, and it may be
17 approximately correct, and you have a parcel of 500
18 tons, it would be about \$2.20 a ton. If the same
19 ship picks up a thousand tons, it would be \$1.10, so
20 the figure would be significant. It could jump
21 anywhere according to the size of the parcel that is
22 picked up.

23 COMMISSIONER SMITH: Yes, but in
24 Prince Rupert my question was based on the portion
25 being carried at Kitimat and they came up with this
26 answer and it was also mentioned that the main movement
27 into Kitimat, in and out, was of parcel lots.

28 THE WITNESS: Of metal alumina?

29 COMMISSIONER SMITH: Yes.

30 THE WITNESS: In full cargo and aluminum



1 English

2 went out in parcel lots.

3 COMMISSIONER SMITH: The only thing
4 I have is the evidence given by the officials of the
5 Aluminum Company in Prince Rupert which was between
6 sixty and seventy cents a ton. Aluminum may have
7 been in parcels but I take it from Port Alfred, not
8 in full cargoes.

9 THE WITNESS: No, parcels, correct.

10

11

12

13

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1 English

2 THE CHAIRMAN: I may add here continuing
3 from your speech of yesterday that if we have no
4 further evidence on this point we may think that it
5 is only a straw and let us not burden the record with
6 it.

7 MR. LALONDE: If it is a straw in the eye,
8 My Lord...

9 MR. LANGLOIS: You have been mentioning
10 a feather, My Lord.

11 THE CHAIRMAN: The breaking point would
12 be when it is already very loaded and that is only
13 a small item, so I do not know.

14 MR. BRISSET: We are entering into a
15 philosophy of the whole thing, My Lord. If it is only
16 a straw would the argument be justified that five
17 straws do not weigh much more than one, so let us
18 pay the pilots five times more than they are paid
19 actually?

20 MR. LALONDE: I have taken notice of this,
21 My Lord.

22 THE CHAIRMAN: It is perhaps the very
23 question of our investigation -- what is the basis?
24 There has to be a basis for the fixing of tariffs or
25 the revenue of pilots, so what are those principles
26 is what we have to discuss and find.

27 MR. BRISSET: It will come in argument.

28 THE CHAIRMAN: It is almost a quarter to
29 four. There are certainly going to be some questions
30 of Mr. Parsons.



1 English.

2 MR. LALONDE: Very few My Lord.

3 THE CHAIRMAN: All right, we will go ahead.

4
5 CROSS-EXAMINATION BY MR. LALONDE:

6 Q. Can you tell us, Mr. Parsons, whether you
7 have approximately the same all around tonnage in terms
8 of cargo carried by your 40 to 50 ships at the present
9 time as you had some years ago when you had the 60 ships?

10 A. No. During the last 10 years -- I
11 will have to back up a little bit. At the end of the
12 war we carried only bauxite from British Guiana. We
13 carried nothing from Jamaica. Then we started carrying
14 aluminum from Jamaica. Four tons of bauxite make one
15 ton of aluminum. Two tons of aluminum make one ton
16 alumina. Since the war our production in the Carribean
17 ⁱⁿ alumina is roughly about 900,000. Now it has increased
18 to a point where it is about 900,000 a year. So where
19 we used to bring up 1,800,000 tons of bauxite we now
20 only bring up 900,000 tons of alumina, which makes
21 the same amount of metal.

22 So I think you are getting into a comparison
23 between minorities there. Our total tonnage is down
24 some because we are carrying alumina instead of bauxite.
25 We are not entirely eliminated from bauxite yet.

26 Q. Therefore am I right in concluding that
27 you have kept approximately the same size of ships
28 except that you have cut down with your number of ships
29 from 60 to 40, 41 up?

30 A. No. I indicated to Mr. Brisset that



1 English

2 I estimated that our average bulk carriers were now,
3 I think I used the word about 14,000. There are
4 two -- 14,000. They used to be 10,000 tons the
5 first ten years after the war. We have roughly a
6 40% increase in the size of the ship, also in the
7 speeds of about 30%.

8 MR. BRISSET: A 30% increase in speed?

9 THE WITNESS: Yes, average 30 to 40.

10 CROSS-EXAMINATION BY MR. LANGLOIS:

11
12 Q. Do you make any liner shipments from
13 ports of Quebec?

14 A. Yes, from Quebec City, Three Rivers.

15 Q. Port Alfred?

16 A. Yes, metal from Port Alfred.

17 Q. Are these only part cargoes or do you
18 have full cargoes on these liners?

19 A. We try to get full cargoes, but it is
20 not always possible. Our desire is full cargoes, but
21 we have the normal export trade of Canada, some
22 aluminum, some paper, a little flour -- those kinds
23 of things.

24 Q. These liners will be paying agency
25 fees on one of your companies; I do not know which ones?

26 A. In Quebec I think our agents are the
27 Import.

28 Q. Canadian Import?

29 A. Yes.

30 Q. What about Port Alfred?



1 English

2 A. In Port Alfred it is an associated
3 company.

4 Q. I have not seen these charters. Is
5 your name chartered as Saguenay Shipping or Saguenay
6 Terminals?

7 A. Saguenay Shipping now.

8 Q. Do you mind telling us the difference
9 between the two?

10 A. At one time Saguenay Terminals operated
11 with two divisions, the Port Alfred Division which did
12 the stevedoring in Port Alfred and the Demerara
13 Saguenay Division which looked after the steamship end
14 of the operation. I would say in about -- Mr.
15 Brisset may have to help...

16 MR. BRISSET: 1957.

17 THE WITNESS: 1957 or 1958 we decided there
18 would be certain benefits in administration in
19 separating these two functions and making two companies
20 out of the one company. The name Saguenay was kept
21 because the name of Saguenay Terminals was very well known.

22 The name Saguenay was kept and Saguenay Shipping was
23 created somewhere around 1957 or 1958. All we do is
24 look after shipping. We have no terminal operation
25 or anything of that nature. I would agree that
26 halfway round the world the names are interchangeable,
27 Saguenay ships, Saguenay terminals.

28 Q. You own the terminal facilities at
29 Port Alfred?

30 A. Saguenay Shipping does not:



1 English

2 MR. LANGLOIS: Thank you.

3
4 CROSS-EXAMINATION BY MR. JACQUES:

5 Q. I have just a few questions. I have
6 a list here of what are supposed to be port charges
7 and I should like to have your opinion on what the
8 expression "Port charges" includes. It would include,
9 I presume, harbour and dockage dues?

10 A. If it applies to the ship in certain
11 areas you have wharfage dues. Generally you have
12 wharfage dues that apply to cargo only.

13 Q. Top wharfage?

14 A. Yes; that is a fair way to describe
15 it.

16 Q. And side wharfage to the ship?

17 A. Side wharfage is generally the ship.
18 "S and S" is the way I remember it.

19 Q. Charges for placing on board pilots and
20 disembarking pilots?

21 A. That would be for the account of
22 charterer.

23 Q. Customs, quarantine and immigration
24 charges?

25 A. Mr. Brisset may have to correct me.
26 I think we are going to have to break that up a little
27 bit. Are you talking about the inspection of the
28 hold of the ship for the loading of cargoes?

29 Q. I have mention of quarantine. That
30 might be fumigation of the hold or fumigation of the



1 English

2 crew's quarters.

3 A. In that case, if we are referring to
4 that, the first six months that the charterer has the
5 ship it is definitely, unless the owner can avoid it,
6 the owner's responsibility. After the first six months
7 it becomes the charterer's responsibility.

8 Q. And customs and immigration?

9 A. Customs and immigration are the
10 charterer's responsibility unless, if the owner wanted
11 to change a crewman in Montreal, that would be his
12 responsibility.

13 Q. Sick mariners' dues?

14 A. Well, we get stuck with sick mariners'
15 dues. We do not benefit from them.

16 Q. Seaway tolls?

17 A That is paid by the two; the owner
18 pays some and the charterer pays some.

19 Q. And line handling?

20 A, Line handling is a charge that is paid
21 by the charterers.

22 Q. Garbage disposal?

23 A. That comes under the sanitation of
24 the ship and that would be paid for by the ship.

25 Q. By the ship?

26 A. Yes.

27 Q. Towage?

28 A. It is a minor amount and it is
29 generally ---

30 Q. Towage is minor?



1 English

2 A. No; I am referring to your garbage
3 disposal.

4 Q. And towage?

5 A. Towage -- well, you are getting into
6 a fine point here. The towage is a responsibility
7 of the ship, but it is paid for by the charterer.

8 Q. Consul fees?

9 A. There are two or three arbitrations on
10 them. We generally pay them.

11 Q. And when ships call in the province of
12 Quebec, the Quebec corporation tax?

13 A. I know Saguenay Shipping pays a corporation
14 tax, but I did not realize... Maybe we are getting
15 assessed something there that I didn't know about; I
16 am sorry. There are so many.

17 Q. And sundry expenses such as telephone
18 cables and tel-ex and things?

19 A. Now you are getting over into the
20 management or agent's sphere of it. None of that would
21 be charged to the ship unless it had to do again with
22 one of the ship's owners or employers. If the captain
23 wanted to send a message to the owner about something
24 that concerned the management of the ship, that would
25 be his expense. But if the charterer wanted to send
26 a tel-ex to the master or the cargo, that would be our
27 expense.

28 Q. You are a large ship operator. What
29 is the purpose you have in mind when you take pilots on
30 board your ship? Why do you take pilots?



1 English

2 A. I presume it is because the pilot is
3 able to advise the master about local conditions.

4 Q. Is it for safety reasons or for
5 efficiency reasons, such as to get your ships in and
6 out as quickly as possible, or both?

7 A. It does not necessarily follow that
8 the two travel together.

9 Q. No. Is it because you feel that
10 your masters have not got sufficient experience?

11 A. No. I think we take pilots along
12 because we are compelled to. I do not think there is
13 any other reason.

14 Q. If you were not compelled to, would you
15 consider dispensing with the services?

16 A. Not in the normal course of events.
17 I do not think that the average ship coming up the
18 St. Lawrence particularly, unless she has been in and
19 out and backwards and forwards once a week or something
20 like that -- I think it is beneficial in that case to
21 have a pilot. Going up the Saguenay, well, you might
22 have a different viewpoint.

23 MR. JACQUES: Thank you, sir.

24 MR. LALONDE: I have one more question,
25 Mr. Parsons, as far as the charges to which my friend
26 referred. You have charges for watchmen when you are
27 in the harbour?

28 A. That is a big field. In some foreign
29 ports the governments there insist on watchmen even
30 if the ship is empty as regards cargo. If the ship



1 English

2 is empty as regards cargo such charges are normally
3 for the account of the ship. If you have watchmen
4 for the account of the cargo to see it is not pilfered
5 or something of that nature, then it becomes a charge
6 against the charterer.

7 Q. You have underwriters' fees?

8 A. The underwriters' fees -- when you
9 charter a ship the basic insurance is taken care of by
10 the owner of the ship. But you do protect yourself
11 with a form of insurance. You can protect yourself
12 if you want as to whether a ship may be lost. If
13 you have a ship with an advantageous charter, you might
14 insure yourself so that if you lost the ship, you would
15 be able to charter a similar ship on a higher market.

16 Q. That is what is called a P.N.I?

17 A. No. Of course, just about everything
18 that is not covered anywhere else is considered P.N.I.

19 Q. I was talking about underwriters' fees
20 in the harbour. Do you have such a thing once in a
21 while? You have an agent's fee; you might have an
22 underwriters' fee.

23 A. No. The owner of the ship would
24 generally get his annual insurance by the year and his
25 war risk insurance quarterly.

26 THE CHAIRMAN: There are no further questions.

27 Thank you, Mr. Parsons.

28 (The witness withdrew)

29 --- Recess



1 English

2 HERBERT COLLEY, recalled

3 CROSS-EXAMINATION BY MR. LANGLOIS (Cont'd):

4
5 Q. Mr. Colley, do you have on hand
6 Exhibit No. 757?

7 A. What does it refer to?

8 Q. Part of it is the brief presented to
9 the Honourable Mr. Leon Balcer by the Federation of
10 St. Lawrence Pilots, dated 14th December, 1960.

11 Would you mind turning to page 6?
12 Do you agree with the figures on this page, showing
13 the relative cost of pilotage with the net tonnage
14 of the vessel, for Quebec and below, for the years
15 1955, 1956, 1957, 1958, 1959 and 1960?

16 A. Actually it is page 7 you are referring
17 to.

18 Q. Well, I don't know. Have we the
19 same document? In the English document it is at
20 page 7, yes. The figures are the same.

21 Do you agree with these figures?

22 A. You mean do I agree with the mathe-
23 matical calculations that have been carried out?
24 I haven't checked them but I will assume they are
25 correct.

26 Q. I beg your pardon?

27 A. I assume that the mathematical cal-
28 culations here are correct. I haven't checked them
29 myself.

30 Q. You have not yourself checked these



1 English

2 figures?

3 A. No, not the mathematical computation.

4 Q. Would you agree, generally speaking,
5 that the cost of pilotage in relation to the net
6 tonnage of ships for Quebec and below has decreased
7 since 1955?

8 A. I would have to agree that a figure
9 which is arrived at by the method that you use here
10 would reflect an index which is on a decreasing scale,
11 yes.

12 Q. You have the same figures for the
13 pilotage between Quebec and Montreal. Have you made
14 any calculation or checking of these figures?

15 A. No; but I would take it that your
16 mathematical calculations are correct.

17 Q. And again you have a decrease in the
18 cost of pilotage in relation to net tonnage, as
19 between 1955 and 1960.

20 I now come to Exhibit 937, which was
21 filed by yourself under the heading of "Specimen
22 Disbursement Account." Would you mind reading into
23 the record, Mr. Colley, the additions that you have
24 made today to the exhibit on page 2 of No. 1?

25 A. Yes. On page 2 of No. 1 I have
26 added at the bottom:

27 "If on a tramp basis, agency fee
28 Montreal inward, \$200. Agency fee
29 Duluth, \$350. Agency fee Montreal
30 outward, \$350. Montreal . . ."



English

MR. JACQUES: Mr. Colley, I think it is not clear that this has to be added on to Exhibit 937. Would you start again, please?

THE SECRETARY: At page 2?

THE WITNESS: Yes.

MR. LANGLOIS: After "Recapitulation".

THE WITNESS: I have added at the bottom:

"If on a tramp basis, agency fee Montreal inward, \$200. Agency fee Duluth, \$350. Agency fee Montreal outwards, \$350,"

and then:

"Montreal Seaway clearance, outward, \$100."

Q. Now, would you mind reading into the record what you have added to the same exhibit on page 4 of No. 2?

A. Yes. At the bottom of page 2 I have added:

"Agency fee, \$400."

~~Q. What is the Sorel fee?~~

A. I am sorry -- "Agency fee, Sorel, \$400."

Q. Now, would you mind telling us what the agency fees would normally include?

A. What would they include? You will have to explain a little more . . .

Q. Is this a straight fee, or do you have disbursements added to this? I want to know if



1 English

2 it is a fee only . . .

3 A. What it covers?

4 Q. Yes, what it covers.

5 A. Normally that would be the husbanding
6 fee to the agent for attending to the ship; that is
7 entering and clearing the ship as the case may be;
8 attending to all of the necessary documentation;
9 doing the necessary physical work of arranging for
10 berthing, discharging, or loading, as the case may be;
11 coordination with the stevedores; keeping track of
12 accounts; reporting to the owners; and finally submitting
13 the complete disbursements to the owners.

14 Q. And would the Commission's disburse-
15 ments, if any, be added to that?

16 A. No, not on a tramp basis.

17 Q. Now -- correct me if I am wrong -- but
18 yesterday I believe you were asked the reason why top
19 wharfage was not added in Exhibit 937, and if I under-
20 stood you correctly your answer was because it was a
21 charge on the cargo; is that right?

22 A. Yes; a charge that would apply against
23 the shipper or the importer.

24 Q. But is it true, of the owner of a ship,
25 operating his own freight line, for example, in domestic
26 trade . . . Let me put it this way: Is it not a
27 fact that for the coastal operator, with his own ship,
28 the cost of top wharfage is absorbed by him and not by
29 the consignor of the cargo?

30 A. I am afraid I couldn't tell you. If



1 English

2 there is such an exception I am not aware of it.

3 Q. Well, I tell you that there is.

4 Now, is it for the same reason that
5 the cost of stevedoring was not included?

6 A. For the same reason as the top wharfage?

7 Q. Yes.

8 A. No; I did not include the cargo charges
9 because they are not of the same classification; they
10 will vary considerably depending on what type of
11 cargo it is, whether it is general cargo or bulk
12 cargo; and even in the classifying of bulk cargo this
13 will vary considerably. Sometimes it is paid by the
14 ship and sometimes it is paid by the shipper or im-
15 porter. In other words, it isn't a consistent thing.

16 Q. Is it not general practice for the
17 shipowner to add the cost of taking the cargo from
18 the wharf, or from the shed, into the ship, and vice-
19 versa? The cost of unloading . . .

20 A. It depends on the kind of cargo.

21 Q. I am speaking of general cargo.

22 A. General cargo, yes.

23 Q. Would you mind telling us what is the
24 average cost of stevedoring per ton of general cargo
25 in Montreal -- just a rough idea?

26 A. Well, I would give you a rough idea
27 which would be my own estimate, and this could vary
28 either way probably a dollar or so, depending on the
29 basic commodity is; but I would say somewhere in the
30 neighbourhood of \$5 a ton.



English

Q. For loading; and unloading, \$5?

A. No; for the one operation.

Q. For the one operation only?

A. Yes.

Q. Yesterday we had a witness here who testified as to the choice that he was called upon to make in shipping from Hamilton or from the Port of New York, for example, instead of by the Seaway. Would a shipowner, placed in such a position, have to take into account the cost of handling the cargo at the Port of New York before he makes a choice?

A. Again you are talking about loading . . .

Q. Yes.

A. You are talking about a handling charge?

Q. Yes.

A. There is something in New York. I couldn't describe to you exactly what it is, but there is a type of handling in New York, yes.

Q. Would he not also have to take into account his top wharfage charges . . .

A. Yes.

Q. . . . in the Port of New York?

A. If there is such a thing, yes.

Q. Do you know how they compare with the port charges in Canadian ports, say Hamilton or Toronto?

A. The New York charges?

Q. Yes.



1 English

2 A. No, I am afraid I do not.

3 Q. Is it not a fact that, for example,
4 here in Montreal it is one cent a ton for top wharfage?

5 A. The top wharfage is on a scale
6 depending on what the cargo is.

7 Q. General cargo -- I am dealing only
8 with general cargo.

9 A. I am talking about general cargo also.
10 It comes under the general classification of particular
11 commodities, or commodities not otherwise specified.

12 Q. Is it one cent per ton at Montreal?

13 A. I don't know, offhand.

14 Q. But am I right in assuming -- and this
15 is my final question in this respect -- that the
16 shipper who had to choose between two routes would
17 have to take into account such port charges as top
18 wharfage, anchoring charges and stevedoring charges?

19 A. Directly and indirectly, yes. In so
20 far as these charges would be in the make-up of the
21 freight rate, it certainly would be a consideration;
22 although the shipper himself may not be directly
23 involved in the cost of loading.

24 Q. Is it not a fact that if these charges
25 are not paid directly by the shipper then the carrier
26 will have to take them into account in quoting a
27 rate to the shipper?

28 A. Correct.

29 Q. And in the final analysis the shipper
30 is bound to pay for it?



1 English

2 A. Yes.

3 MR. BRISSET: If I may interrupt, isn't
4 it a fact that in certain cases land carriers -- the
5 railways -- pay the top wharfage charges?

6 THE WITNESS: Quite true.

7 MR. LANGLOIS: I am sorry; I didn't
8 hear that.

9 MR. BRISSET: I said: Isn't it a
10 fact that in certain cases the land carriers -- the
11 railways -- will pay the top wharfage?

12 MR. LANGLOIS: Yes; and very much so;
13 and it is done as back charges on the bill of lading
14 against the consignee or shipper.

15 THE WITNESS: I am not aware of that.

16 MR. LANGLOIS: And isn't it a fact
17 that whoever has the services he has to pay for the
18 services, whether it is the land carrier or the
19 shipper -- somebody has to pay for them and it is the
20 shipper?

21 A. Sooner or later, directly or indirectly,
22 yes, undoubtedly that is the case.

23 MR. LANGLOIS: Thank you, Mr. Colley.

24 THE CHAIRMAN: Mr. Lalonde?

25 MR. LALONDE: I have a few questions.

26
27 FURTHER CROSS-EXAMINATION BY MR. LALONDE:

28 Q. In this particular exhibit, 937, I
29 notice that there is no port warden's fee?

30 A. Which one are you referring to?



English

Q. I have sheet No. 1 in front of me, which has "Montreal out," so that the presumption is that it stopped in Montreal; is that correct?

A. Yes.

Q. And isn't it the fact that you always have a port warden's fee to pay?

A. Yes -- well, no; that would vary. In this particular case, with grain, there would be a fee for inspection and for granting a certificate; but that would be something we would normally list under cargo expenses.

Q. Under cargo expenses it would not appear here as a charge?

A. No.

Q. But this is a compulsory fee which applies in all cases where you have ships leaving with grain from Montreal?

A. It isn't really compulsory; it is compulsory only to this extent that, under the terms of your charter party, it may be stipulated that the vessel is ready, and this is indicated by a certificate issued by the Port Warden.



1 English

2 Q. Is there a charge for checking the
3 under keel clearance of all vessels leaving Montreal?

4 A. No, I don't think there is any charge
5 for that.

6 Q. Is there a charge for entering and
7 clearing of vessels with cargo that you import and
8 export?

9 A. There is some kind of --

10 Q. This is a case of cargo, as far as you
11 are concerned?

12 A. Yes.

13 Q. And the Port Warden's fee?

14 A. That is right.

15 Q. Would not appear here?

16 A. Yes. Mind you, that is I would say
17 the custom that we have in our company. I do not say
18 everyone might be the same way.

19 Q. As far as the figure that was provided
20 with ship number three, I know you stated that this was
21 a pretty bad example to take, but I checked into the
22 shipping statistics as they are reported in the brief
23 of the Federation of St. Lawrence River Pilots, Exhibit
24 671, table 8 and it is stated that the Port of Montreal
25 have taken the deep sea ships only, ocean shipping.
26 They report that in 1961 the tonnage of cargo carried
27 in was 6,721,523 tons of cargo and out there was
28 4,202,463 tons of cargo.

29 In the same year there were 2,370 ocean
30 deep sea ships coming in and 2,769 out. I made a



1 English

2 calculation that the average cargo per ship for 1961,
3 and I arrived at a figure of 1,519 tons out of Montreal
4 and 2,380 tons in Montreal by deep sea ships as an
5 average over the year.

6 That is not taking into account obviously
7 the ships which might have stopped on the way from
8 Three Rivers and Quebec and elsewhere to load or unload
9 cargo. So at least one can see that ship number three
10 is pretty far off the beam as far as the amount of cargo
11 is concerned.

12 A. If you relate it to cost per ton, it
13 is a useless example, I would say. As I explained
14 originally these statements were made up not with
15 that comparison in mind and the other comparison of
16 pilotage is to permit charges is a relative comparison,
17 I would say.

18 Q. Yes, obviously. Always keeping in
19 mind that you also have other charges which you have not
20 put in there because you feel it was a charge to cargo
21 and not as port charges, the way you interpret it to be,
22 that is leaving out the figures which my friend, Mr.
23 Brisset, has mentioned.

24 A Yes. Well, we had to compare something
25 and this was one standard classification that we could
26 compare. You could go on and compare further costs.
27 You could compare capital cost of the ships. You could
28 take the running costs and the crew costs and so we had
29 to take something just as a comparison.

30 Q. Yes. Well, just as well as you could



1 English

2 have done for a percentage basis, you could have reduced
3 the other costs and brought up pilotage to 90% of the
4 cost?

5 A. Right.

6 MR. BRISSET: Or the other way around.

7 MR. LALONDE: Oh, yes.

8 Q. I want to bring your attention to ship
9 number four. I am sure you would not want anybody to
10 believe that you wanted to pull a fast one here but at
11 the bottom of the page you have a note "Cost per ton
12 pilotage: outward tonnage 16,751 L/T slag."

13 That is \$1.50 per ton for pilotage. My mathematics
14 would probably tell me that is probably --

15 A. Where do you see "\$1.50"?

16 MR. JACQUES: It is 5 cents.

17 MR. LALONDE: Q. What is that \$1.50 there;
18 the cost per ton pilotage?

19 I am referring to a document which is a type-
20 written document. It has been handed to me by Mr.
21 Brisset this morning when he said he was replacing the
22 old exhibits by better sheets.

23 It seemed to me it should read certainly 15
24 cents a ton but not more. I have not made the
25 calculation myself. This is ship number four.

26 A. There is obviously an error there, Mr.
27 Lalonde. I don't know how they arrived at that.

28 Q. We should amend this to 15 cents?

29 A. No, 5 cents.

30 Q. Altogether it is 5 cents a ton?



1 English

2 A. Yes.

3 MR. BRISSET: And delete the \$1.50 as
4 having no place here.

5 MR. LALONDE: The typist was probably
6 carried away in her enthusiasm!

7 Q. How did you proceed to the selection of
8 these particular cases ~~worre~~ at least these particular
9 instances? Was this a sheer random choice?

10 A. Yes, it was. I wanted an example of
11 a bulk loader for the Lakes, a general cargo vessel for
12 the Lakes, a general cargo vessel St. Lawrence and a
13 bulk loader, St. Lawrence and I asked our accounting
14 department to pick out three ships of this classification.
15 Beyond that no particular instructions.

16 Q. I see. So you don't know how your
17 accounting department proceeded to select these particular
18 ships?

19 A. No, I couldn't tell you.

20 Q. I notice that you have of these six
21 ships three are in ballast one way or the other out of
22 the six. That is, ship No. 1, ship No. 3 and ship No. 4.

23 Am I correct?

24 A. Ship No. 1 is inward in ballast, yes.

25 Q. Ship No. 3 and 4?

26 A. Yes, that is right.

27 Q. Is this a fair representation of your
28 particular trade in your company that are about half
29 of your ships with cargo in ballast one way or the other?

30 A. In respect to bulk loaders it is quite



English

common for ships to proceed in ballast to the Lakehead for grain and in respect to the other example I gave you in Sorel, that is a pattern 100%, never going except inward in ballast.

Q. For this particular cargo at Sorel?

A. Yes.

Q. Is this average of 50% a fair representation of the operation, the number of ships you represent?

A. No. If you are asking me would 50% of our ships we handle come in in ballast, no.

Q. That is it?

A. That is not so.

Q. Would you say that fewer ships than that come in in ballast?

A. Yes.

Q. Would you be in a position to give an approximate proportion or percentage?

A. It is difficult to say. I would think that the number we handle that are coming in in ballast would not represent more than 20% and perhaps somewhat less than that.

MR. LANGLOIS: Mr. Colley, I just wanted to clear up one point. I don't think there is a mistake but ship No. I, I see Escoumains/Quebec River \$20. I presume those ships have been coming from Port Arthur. That is why there was no boat charge. That is the only explanation I can see.

A. No, it is not. There was a charge --



1 English

2 oh, let me see -- of course, it might be that that is
3 included in the pilotage because it is on the pilotage
4 bill so the chances are that figure that we show for
5 pilotage, Escoumains/Quebec actually includes the boat
6 proportion.

7 MR. LANGLOIS: If the boat charges are
8 included in the pilotage they should be deducted
9 because this money does not go to the pilots, as you
10 know.

11 THE WITNESS: Quite true.

12 MR. LALONDE: It is \$20 in and \$20 out at
13 Escoumains.

14 THE WITNESS: Yes, because it is here as
15 a boatman in Quebec River, charge \$20.

16 MR. LANGLOIS: That is why if the ship
17 had come from Port Arthur, there would have been no
18 charge.

19 THE CHAIRMAN: It is two charges of \$10.

20 MR. LALONDE: \$20 there.

21 THE CHAIRMAN: That is right.

22 MR. LALONDE: Escoumains is \$20 per trip.

23 THE CHAIRMAN: That is right so that means,
24 just to make it clear -- that on page two of the charter
25 \$172.22 would include the boat charge of \$20.

26 MR. BRISSET: Are you sure of this?

27 MR. LALONDE: It would be \$40 because it
28 is in and out.

29 THE CHAIRMAN: We are going to ask Mr.
30 Colley, who is going to be in front of us again to



1 English

2 verify if their charge of \$172.22 does include the
3 boat charge and if it does to what amount.

4 THE WITNESS: Yes, My Lord, and the same
5 with the other one at the bottom of the page Quebec/
6 Escoumains \$233.32.

7 MR. LALONDE: Q. I notice that you
8 have charges on the Lakes for pilotage in open waters
9 in several instances. Did you check whether your
10 masters on board or officers on board had his B licence?

11 A. Oh, we do indeed.

12 Q. In all these cases where there is a
13 charge for pilotage on Lake Ontario and elsewhere it
14 is because your masters have no B licence?

15 A. Well, you are making a general statement.
16 To refer to these particular ships is one thing but
17 I think to give you the answer that you want, there
18 may be occasions when a ship has a B certificate and
19 they still take open water pilots.

20 Q. No, I am not referring to a general
21 policy. I am just referring to these particular
22 examples that you have here. You have ship No. 1?

23 A. Ship No. 1 I do recall did not have
24 any such B certificate at all and ship No. 2, it was
25 the same in that case. There was no B certificate.

26 Q. Do you know whether these ships were
27 coming in for the first time or whether they had been
28 here on several occasions?

29 A. Ship No. 1, I think, it was the first
30 time.



1 English

2 Q. Yes?

3 A. Ship No. 2 was a regular trader that has
4 been coming up here for many years but unfortunately
5 the captain had not been up for -- he hadn't been up
6 for a period greater than 2 years and therefore he could
7 not qualify.

8 Q. What fees would that represent, these
9 additional fees you would have, I suppose, from Cape
10 Vincent to Port Weller which in the case of ship No. 1
11 was \$70.76. Then later on what do you have?

12 A. Well, all told, to save you time, an
13 all round trip like that, likely it would run to \$400
14 to \$500. That would be the difference.

15 Q. The extra charge for pilotage on open
16 waters?

17 A. Yes, that is right.

18 EXAMINATION BY MR. JACQUES:

19 Q. Just one question, Mr. Colley. What
20 do you consider is the reason for pilotage in our
21 districts here in Canada?

22 A. I would say basically it is to expedite,
23 to assist ship movements.

24 Q. Do you see any safety reason?

25 A. I don't agree that safety is the major
26 factor at all. I don't believe that. Again, I am
27 not a technical man but this is the opinion that I have
28 formed from observing and listening to our technical people
29 at various meetings that it is a question of convenience,
30



1 English

2 certainly of increasing efficiency, of saving time,
3 no question about this but not essentially of safety.

4 Q. Not essentially of safety?

5 A. No.

6 Q. Now, the charges which you have listed
7 in Exhibit 937, would you say whether they are
8 complete or not as regards the charges levied against
9 the ship to get the ship into a Canadian port at a
10 particular berth, regardless of whether she takes cargo
11 or not?

12 A. Yes.

13 Q. Would there be any other charges levied
14 against the ship just to get there and be ready?

15 A. No, not as far as port charges are
16 concerned.

17 Q. There might be a question, as I am
18 advised, of the Port Warden. That may come into
19 the picture but it would not be a very large fee, I
20 understand?

21 A. No. Of course, if there was no cargo,
22 there would not be any such fee.

23 Q. However, the agency fees would be
24 incurred just the same?

25 A. They may be incurred.

26 They would be incurred in the case -- if it
27 happened to be a ship that my company, for example,
28 was looking after. I am not trying to split hairs.
29 We had the other example this afternoon that Mr. Parsons
30 explained where his own company handled their own ships.



1 English

2 Q. But a foreign flag ship, not being
3 chartered by a Canadian company, would pay an agency
4 fee?

5 A. Yes.

6 Q. That would be included in the standard
7 charges to get the ship say in Montreal at a particular
8 berth?

9 A. Yes. I should also point out in respect
10 to agency fee, there is nothing compulsory about it.

11 The standards I have made in putting down
12 what I consider to be the port charges are charges that
13 cannot be avoided by the vessel, if she calls at a
14 particular port or goes into a particular area. These
15 are charges that are levied. They have no choice about
16 them. You do have a choice of an agency fee. In
17 other words, a ship need not pay an agency fee. The
18 captain has full authority to go ashore and do what is
19 necessary for his ship. It could be done that way.

20 Q. But for all practical intents and
21 purposes all ships calling in at Canadian ports either
22 in the St. Lawrence River or the Great Lakes basin pay
23 a fee?

24 A Yes.

25

26

27

28

29

30



1 English

2 A. Yes. Again with our particular type of
3 business we are talking about overseas shipping. But
4 I do believe many of the smaller ships, the coastal
5 ships and so on operate without agents.

6 Q. Yes. My question was directed towards
7 ocean shipping and not coastal shipping nor lake
8 shipping -- nor lakers?

9 A. Quite correct.

10 Q. Strictly ocean-going ships?

11 A. Yes, I would agree with that.

12 CROSS-EXAMINATION BY MR. LANGLOIS:

13
14 Q. Mr. Colley, in order to better understand
15 the example you gave us, with ship No. 4 would you mind
16 telling us where that ship was coming from? We have
17 "voyage in in ballast to Sorel." In ballast from
18 which port?

19 A. It would be from an overseas port, from
20 a continental port. It may be Rotterdam or Antwerp,
21 I couldn't be sure, but from that area.

22 Q. You are quite sure of that?

23 A. I would think so. I know that is the
24 normal pattern for this type of ship.

25 Q. I would like to know, because it makes
26 quite a difference. You calculate your costs on a
27 tonnage basis using your outward tonnage only. If
28 that should carry any tonnage inward you would take
29 into account pilotage charges both in and out?
30



1 English

2 A. Yes, but the vessel came in in ballast.

3 Q. Is it not possible that she came in
4 in ballast from an Atlantic port only?

5 A. No. The pattern of this type of bulk
6 loader is that they travel back and forth between
7 Sorel and the continent. They go out with a full
8 cargo of ore and return in ballast directly to Sorel.
9 It is a ferry boat service back and forth.

10 Q. Do some of these ships go to United
11 States ports?

12 A. I am sure they do, but I am talking
13 of the ones I happen to handle, and this is one of those
14 examples.

15 Q. Would you say it is the general rule
16 that these ships would be crossing the ocean in ballast
17 on the westbound passage?

18 A. All of the ones I handle of this
19 particular type invariably do that.

20 Q. The one-way traffic must be pretty
21 good then?

22 A. No, but if you can suggest a good
23 bulk cargo the other way, Mr. Langlois, we would like
24 to hear about it.

25 THE CHAIRMAN: On the same exhibit you
26 use two different kinds of boatmen. You have first
27 under "Montreal In" "Boatmen Quebec and Three Rivers."
28 That is for the pilot?

29 THE WITNESS: Yes, My Lord.

30 THE CHAIRMAN: And then in "Montreal Out"



1 English

2 you have "Boatmen, \$75." That is for the lines?

3 THE WITNESS: Example No. 1?

4 THE CHAIRMAN: That is right -- "Montreal
5 Out, Boatmen, \$75."

6 THE WITNESS: Yes.

7 THE CHAIRMAN: That is for the line, I
8 suppose?

9 THE WITNESS: No. This could be charges
10 while the ship is at anchor here.

11 THE CHAIRMAN: Oh, I see.

12 MR. BRISSET: To take the master ashore
13 and the agents aboard and customs and all the other
14 people.

15 THE WITNESS: That is right.

16 THE CHAIRMAN: Because I have seen the
17 same charges varying from ship to ship.

18 On example No. 2 it would be \$55 and on
19 another example it would be \$40 from Montreal in?

20 THE WITNESS: Yes, and of course, My Lord,
21 that example No. 2 is a vessel that was going up the
22 Seaway not loading or discharging cargo at Montreal.
23 Therefore it would normally just go to anchorage and
24 pass inspection there.

25 THE CHAIRMAN: I was just wanting to make
26 sure that the discharge was not for the pilot boat.

27 THE WITNESS: No.

28 THE CHAIRMAN: Are there any further
29 questions of Mr. Colley?

30



1 English

2 RE-EXAMINATION BY MR. BRISSET:

3
4 Q. Mr. Colley, you were questioned at
5 length at some stage of your cross-examination on how
6 to establish what would be a fair remuneration for
7 pilots and you told us that at one stage, I think last
8 summer, you had put down some thoughts on paper on
9 this particular topic. Would you have any objection
10 to filing your notes in this regard?

11 A. I have no objection if it will be of
12 any interest to anyone -- certainly not.

13 Q. Will you therefore do so as Exhibit
14 952?

15 --- EXHIBIT NO. 952: Notes of Mr. H. Colley
16 on how to establish a
17 fair remuneration for
pilots.

18 Q. Mr. Colley, would you refer to page
19 227 of the second volume of the Shipping Federation's
20 brief?

21 Your attention was drawn to the fact that
22 in the letter to the Minister there is a mention that
23 in the Montreal harbour zone the increase in the net
24 income of the pilots as a result of the revision of
25 the tariff would be \$985, while it would be \$925 in
26 the Montreal district. You were asked whether
27 because these figures are contained here they had not
28 been in fact discussed at the previous meetings that
29 you had had with the officials of the Department and
30 the Minister. Is that the case or not? Was this



1 English

2 actual figure of \$985 discussed?

3 A. No, these figures were not discussed.
4 We only talked in percentages at any time.

5 Q. In other words is it correct to say that
6 after the tariff was increased as a solace the Minister
7 told you it would only be an increase of \$985?

8 A. He never told us that.

9 Q. Prior to this letter?

10 A. No.

11 Q. Is there any significance in the fact
12 that the figure is so precise, that he did not say
13 for instance roughly \$1,000 -- or are we dealing again
14 with the ninety nine dollars and ninety nine cents?

15 A. Well, of course, this has been the
16 problem all the way along, that obviously there must
17 have been a certain objective in the increases that
18 were granted. But then in the final analysis what
19 is the result? This has been the problem throughout.
20 There may have been good faith and the intention was
21 that the pilots' earnings should be increased to such
22 and such a level, and on our side we would say,
23 "No, we think that is too high an increase in tariffs;
24 it is not necessary to do that." But in the final
25 analysis it would go through and the result would
26 be considerably more. At that point, when it is
27 found out that it is considerably more, nobody wants
28 to acknowledge that the initial calculation was not
29 a very good one.

30 MR. BRISSET: Thank you.



English

1
2 COMMISSIONER SMITH: Mr. Colley, there has
3 been some evidence given that the proposed bridge at
4 Three Rivers will interfere to some degree with
5 navigation in that area on account of the placements,
6 the footings, their location and other aspects of
7 that venture. Do you have any opinion about that
8 matter?

9 THE WITNESS: Again, Mr. Smith, that
10 is a technical matter. But I can say that the
11 Federation as a body has looked into this and they
12 are entirely in accord with the pilots' point of view
13 that the proposed location of the bridge is not a
14 good one from the point of view of navigation and
15 that it will be restricting the area that is now
16 available for entering. In fact the Federation has
17 had some correspondence with the Department of Transport
18 on this subject.

19 I cannot advise you precisely what the
20 response has been, but I do not think we have got
21 too satisfactory an answer, or at least to indicate
22 that anything is being done.

23 COMMISSIONER SMITH: In any event you
24 are in agreement with the pilots' contention on the
25 evidence that we already have?

26 THE WITNESS: Yes.

27 COMMISSIONER SMITH: I think Mr. Lang
28 gave some evidence on this point as well.

29 In recommendation No. 1 of your submission
30 it recommends a set up there for the jurisdiction of



1 English
2 the administration of pilotage in the whole of Canada.
3 There was some question put to you, I think, or one
4 of the other representatives of the Shipping Federation
5 with regard to the actual entity in its quasi judicial
6 or administrative function; in other words to surround
7 it with some method whereby there could be an appeal
8 from any decision made by this Commission. I am
9 speaking now of the main Commission.

10 Recently there has come to my hands and the
11 the hands of the other Commissioners a situation in
12 the United Kingdom with regard to the procedure there,
13 which seems to lend itself to a proposal such as you
14 have in your brief. Under the Pilotage Act over there
15 they have a right and a power to request an arbitration
16 on certain matters of administrative policy, and they
17 are quite wide.

18 One has to do with the bylaws in force at
19 the time and then, if the pilots feel aggrieved by the
20 decision of the authority on the question of dues and
21 charges -- whether they should be increased or decreased
22 -- an increase in the number of pilots and rates and
23 various other matters all having to do with the
24 administrative aspect of the pilotage district. This
25 is the Manchester district in the United Kingdom.

26 I was wondering if anything of that nature
27 would appeal to the Shipping Federation as something
28 that would keep the door open in the case of a grievance
29 somebody had that they wanted to appeal to an arbitration
30 or some other entity that was set up to deal with such



English

1 matters?

2
3 THE WITNESS: I am sure we would like to
4 have an opportunity of studying anything like that,
5 Mr. Smith. I think, as was mentioned yesterday, the
6 problem that we are concerned about is just to what
7 extent could you allow appeals and on what types of
8 situations?

9 Really in effect a lot of our troubles
10 in the past stem from the fact that there was this
11 built-in court of appeal in the form of the Minister
12 himself so that even the most minor things eventually
13 ended up that way.

14 COMMISSIONER SMITH: Excuse me for
15 interrupting you, but this gets away from the political
16 aspect of the thing altogether, you see. The
17 appointment of the arbitrator is made by the Minister
18 of Civil Aviation and Transport, I think they call it
19 over there -- or Transport and Civil Aviation.
20 But he is an independent set up.

21 THE WITNESS: Does this arbitration
22 become compulsory?

23 COMMISSIONER SMITH: Well, no. He reports
24 back to the Minister. But the Minister in this
25 particular case, any major recommendations that he
26 has made have been agreed to and implemented. But
27 there is no compulsion in the sense that...

28 THE WITNESS: All parties have to accept
29 the decision?

30 COMMISSIONER SMITH: Well, I think the



English

1 arbitrator's decision is final provided it is approved
2 of by the Minister. The Minister may say that the
3 arbitrator has gone too far or he has not gone far
4 enough;

5 THE WITNESS: So in this case in the type of
6 pilotage board that we think of it would be the head of
7 this board, the Chief Commissioner who might have the
8 power to appoint an arbitrator or arbitrators?

9 COMMISSIONER SMITH: Yes.

10 THE WITNESS: And they would have to report
11 back to him?

12 COMMISSIONER SMITH: Exactly.

13 THE WITNESS: There might be merit in it.
14 I would like to look at it.

15 COMMISSIONER SMITH: Would you like to
16 look that over and give it back to me?

17 THE WITNESS: I would indeed, yes.

18 COMMISSIONER SMITH: There is just one
19 other point that I wanted to mention. You said in
20 answer to one of the counsel that in your opinion the
21 safety element of pilotage was not the prime one.
22 As I understood it it was a question of convenience.
23 You put convenience ahead of safety in the pilotage
24 service?

25 THE WITNESS: Yes, I would do so based on
26 what I have heard while I have been associated with
27 various technical people involved in these pilotage
28 matters. That is certainly my opinion.

29 COMMISSIONER SMITH: Even in the narrow
30



1 English
2 and restricted waters, I mean -- difficult navigational
3 channels?

4 THE WITNESS: I think, Mr. Smith, it is
5 -fair to say that amongst our ships the ocean-going
6 vessels do pretty well one hundred per cent take pilots
7 and of course they would take them where they are
8 available.

9 COMMISSIONER SMITH: For safety or
10 convenience?

11 THE WITNESS: For convenience, yes.
12 Again I am not the expert witness to testify on those
13 technical aspects, but as I understand it a ship's
14 master just by part of his qualifications should be
15 able to navigate a ship anywhere. It is of great
16 assistance to him naturally to have a man with local
17 knowledge to advise him and guide him, but this is
18 not necessarily ~~what of~~ necessity for the safety of the
19 ship. It might enhance it, but I think the prime
20 reason is the despatch that can be obtained by having
21 such expert advice.

22 MR. LANGLOIS: So by "convenience" you
23 mean despatch?

24 THE WITNESS: Yes.

25 MR. LANGLOIS: Translated into higher
26 revenues for the owner?

27 THE WITNESS: In time, yes.

28 COMMISSIONER SMITH: I just wanted to get
29 clear on that part of your evidence. Thank you very
30 much.



1 English

2 THE SECRETARY: Would it be the intention
3 of the Commission to enter into the record the letter
4 that we received from the Manchester Ship Canal
5 Company which has now been passed to the Shipping
6 Federation for review? As it becomes in the nature
7 of a public document I think perhaps it should be
8 entered into the record.

9 COMMISSIONER SMITH: Well, My Lord, I
10 perhaps should first of all have spoken to Your
11 Lordship before passing it over; but I was treating
12 it more or less as information. I did not think of
13 any confidential or privileged aspect of the
14 correspondence.

15 MR. JACQUES: I would like to read the
16 letter.

17 THE CHAIRMAN: We will decide that tomorrow
18 morning.

19 We will adjourn now until tomorrow morning.
20
21

22 --- Whereupon the hearing was adjourned until 10.00
23 a.m. on Friday the 14th February, 1964.
24
25
26
27 -----
28
29
30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P.Q.

VOLUME No.:

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BOARD OF TRADE BLDG.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Windsor Hotel, Montreal,
Quebec, on Friday, the 14th
day of February, 1964

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois, Q.C.	for the Canadian Merchant Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corpora- tion of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots.



INDEX TO WITNESSES

NAME

PAGE

BROCK, S.S.

Direct Examination by Mr. Brisset	13480
Cross-Examination by Mr. Lalonde	13493
Direct Examination by Mr. Jacques	13507
Cross-Examination by Mr. Lalonde	13511
Direct Examination by Mr. Jacques	13512

LIGTERMOET, R.J.

Direct Examination by Mr. Brisset	13513
Direct Examination by Mr. Jacques	13526
Direct Examination by Mr. Brisset (Cont'd)	13527
Cross-Examination by Mr. Lalonde	13531
Cross-Examination by Mr. Langlois	13542

REES-POTTER, Norman E.

Direct Examination by Mr. Brisset	13561
Cross-Examination by Mr. Lalonde	13569
Direct Examination by Mr. Jacques	13572

FRENCH, Lloyd Gilbert

Direct Examination by Mr. Brisset	13573
Cross-Examination by Mr. Lalonde	13581

MacKENZIE, Angus Alick

Direct Examination by Mr. Brisset	13589
Direct Examination by Mr. Jacques	13606
Cross-Examination by Mr. Langlois	13607
Cross-Examination by Mr. Lalonde	13608

* * * * *



INDEX TO EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
953	Letter from the Norwigan Shipowners Association dated December 5th 1963, translated into English.	13485
954	List of lines which have discontinued operations from Eastern Canada in the last few years.	13491
955	Document showing payments made by Federal Commerce to St. Lawrence and Great Lakes Pilotage Authorities January 1st 1961 to October 31st 1963.	13580
956	Statement showing payments made by Saguenay Shipping Limited for pilotage services on the St. Lawrence and Great Lakes route for the years 1960, 1961, 1962 and to August 31st 1963.	13589
957	Summary of port charges and pilotage expenses in respect of sample ships in the service of Saguenay Shipping Limited during the 1963 season.	13594
958	Statement showing comparison of pilotage costs in the Quebec pilotage district from Escoumains to Port Alfred between a bulk trader built in 1957 and a liberty-type war built vessel.	13601
959	Circular No. 8066 from the Shipping Federation of Canada to its members.	13610

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ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Montreal, Quebec, 13480
Friday,
February 14th, 1964

1 English

2 ---Upon resuming at 10.00 a.m.

3
4 S. S. BROCK, sworn

5 THE SECRETARY: Your initials, Mr.
6 Brock, please?

7 THE WITNESS: S. S.

8 THE SECRETARY: Canadian Overseas
9 Shipping?

10 THE WITNESS: Canadian Overseas
11 Shipping Limited.

12
13 DIRECT EXAMINATION BY MR. BRISSET:

14 Q. Mr. Brock, would you tell us what are
15 your functions with Canadian Overseas Shipping Limited?

16 A. I am the Executive Vice-President of
17 Canadian Overseas Shipping Limited.

18 Q. Will you tell us briefly what is Canadian
19 Overseas Shipping Limited and what lines your company
20 does represent?

21 A. We are a steamship agency and we
22 represent European deep-sea lines trading between the
23 Great Lakes, Eastern Canada, Scandinavia, United
24 Kingdom, the Continent, and the Mediterranean. In
25 all six different lines operating approximately 39
26 to 40 vessels, making about 300 calls per season in
27 Montreal and that does not include Three Rivers and
28 Quebec and other ports.

29 Q. I understand that these vessels are in
30 what we call the liner trades?



English

A. That is correct.

Q. They have a regular service?

A. A regular service, yes.

Q. Would you name the lines to which you have just referred, the six lines?

A. Yes. I will name them in the order in which they are mentioned on our letterhead. Fjell-Oranje; Fjell-Fjord; Niagara-Concordia Lines; Swedish-Chicago Line; Holland-America Line; Norwegian-America Line. There is an additional Knutsen Line. We are only booking agents for the Knutsen Line from the West Coast.

Q. Would you explain what is meant by the words "booking agent", seeing you have used the words?

A. Yes, I think the meaning is we book cargo for this line but the line does not call on our ports.

Q. For the other lines you act as booking agents and also general agents?

A. General Agents in Canada, yes, including Toronto and Hamilton. In addition to booking cargo we then take care of all functions in connection with those lines.

Q. Including husbanding?

A. That is correct.

Q. Amongst the lines which you represent is it a fact, Mr. Brock, that there are quite a number of ships that fly the Norwegian flag?

A. Yes, I would say approximately -- oh,



1 English
2 about eighteen, eighteen Norwegian Flag and I think
3 fourteen the Dutch Flag.

4 Q. In other words, the vessels that you
5 represent are mainly either Norwegian or Dutch?

6 A. Yes.

7 Q. Now, is it correct to state that the
8 lines which you represent were the first or among the first
9 to use the lake route or to come into the lakes via
10 the old canals?

11 A. Yes. The Fjell Fjord was the
12 first line to ply this trade on a regular basis in
13 1935, followed by our Dutch friends, the Oranje Line
14 in 1938.

15 Q. So they were pioneers in this
16 particular trade of ocean shipping, of course?

17 A. That is correct.

18 Q. Amongst the ships that you now repre-
19 sent are there ships that also offer passenger service
20 into the lakes?

21 A. Yes. We have had -- there are
22 several. Some with limited passenger accommodations
23 and others with relatively extensive passenger
24 accommodations such as the Oranje liners, the Princess
25 Irene and the Princess Marguerite. However, we do
26 not expect to see them back this year because they
27 have found, or the owners have found, that they are
28 probably too expensive to operate in the lakes.

29 Q. At any rate I believe it is correct
30 to state that your principals were the first ones to



1 English
2 experiment with respect to the carriage of passengers
3 through the Seaway and the Lake routes with ocean
4 vessels?

5 A. Yes, that is correct.

6 Q. Mr. Brock, have you obtained from your
7 principals in Norway a copy of the Norwegian Pilotage
8 Act?

9 A. Yes, I obtained that in connection
10 with a request for comments on the brief presented by
11 the Federation of Pilots and they sent over various
12 tariffs and regulations and also comments on that
13 brief which I have submitted to the Shipping Federation.

14 Q. In other words, you submitted to your
15 members in Norway the brief presented before this
16 Commission by the Federation of St. Lawrence Pilots
17 asking for your principals' comments?

18 A. Yes, that is correct.

19 Q. To be submitted to this Commission?

20 A. Yes.

21 MR. BRISSET: Mr. Secretary, have you
22 got the exhibit number?

23 THE SECRETARY: It was filed on
24 January 15th and entered into the record as Exhibit 891.

25 MR. LALONDE: I remember, my lord,
26 very well it was both in the Norwegian and English
27 text.

28 MR. BRISSET: My understanding is it
29 is enacted in both Norwegian and the English language
30 in Norway.



1 English

2 THE CHAIRMAN: It is entered as
3 Exhibit 891.

4 MR. BRISSET: I have also a table
5 of the fees in force for pilotage in Norway as
6 established by Order in Council, December 12th, 1958,
7 and May 15th, 1959.

8 THE SECRETARY: May I suggest these be
9 entered as part of Exhibit 891.

10 THE CHAIRMAN: Yes.

11 MR. BRISSET: I would like to deposit
12 this document to be attached to Exhibit 891.

13 Q. Mr. Brock, you have told us that
14 you did obtain the comments of your principals on
15 the brief submitted by the Federation of St. Lawrence
16 Pilots. Were these comments submitted to you in
17 Norwegian or in English?

18 A. They were submitted-- actually the
19 comments were from the Norwegian Shipowners Associa-
20 tion, a somewhat lengthy letter in Norwegian which
21 was sent over to me and I was at that time of year
22 very busy. I did not have time to translate it
23 personally. I sent it to the Royal Norwegian
24 Consulate for translation but I have checked it out
25 and with the exception of a few grammatical errors,
26 the translation is correct.

27 Q. I am now showing you a document and
28 I would ask you to confirm whether this is the
29 translation which you obtained?

30 A. That is correct. This is the



1 English

2 translation.

3 MR. BRISSET: I would like to file
4 this document as Exhibit No. ---

5 THE SECRETARY: 953.

6
7 ---EXHIBIT NO. 953: Letter from the Norwegian
8 Shipowners Association
9 dated December 5, 1963,
10 translated into English

11 MR. BRISSET: This document is a
12 letter from Norwegian Shipowners Association dated
13 September 5th, 1963, addressed to the principals of
14 Canadian Overseas Shipping Limited -- what is the name?

15 THE WITNESS: The name is A/S Fjell
16 Agency Limited, Oslo.

17 MR. LANGLOIS: My lord, I have no
18 particular objection to filing the document but I
19 would like to point out that the person who made these
20 comments is not available for cross-examination.

21 THE CHAIRMAN: No, it is not evidence.
22 It is argumentation.

23 MR. BRISSET: It is presented as such,
24 my lord, just views which could be looked upon as
25 argument.

26 THE CHAIRMAN: That is what I under
27 stand.

28 MR. BRISSET: I may say that I think
29 these are quite objective and there should not be too
30 much dispute over what is said.

Q. At the same time as the document which



1 English

2 has just been filed was received by you, Mr. Brock,
3 did you receive also a memorandum prepared by the
4 Secretary of an organization -- I can't read the name,
5 but it is similar to the Shipping Federation of Canada?

6 A. Yes, somewhat similar, I would say,
7 affiliated with the Norwegian Shipowners Association,
8 containing various comments.

9 Q. Would you give us the names and I will
10 give the spelling to the reporter?

11 A. I think I will have to look it up, if
12 I may. Skipsfaoutens Arbeidsgins Forening. Its
13 initials are S.A.F.

14 Q. Am I right in understanding that this
15 Association, SAF, to use the initials, was also
16 supplied with a copy of the brief submitted by the
17 Federation of St. Lawrence Pilots?

18 A. Yes.

19 Q. Generally speaking, Mr. Brock, the
20 comments of this Association are simply intended to
21 indicate what is the position in Norway with respect
22 to pilotage and its administration?

23 A. Yes.

24 Q. In other words they are comments on
25 the law which has been filed?

26 A. Yes, and also on the question of some-
27 thing which I read in the record to Oslo in my letter,
28 in the brief submitted by the Federation. I think
29 it was on page 206. I forget the paragraph. There
30 was a comment stating that pilotage expenses were such



1 English

2 a marginal factor that pilotage hardly had any bearing
3 on the operations of the steamship company. I referred
4 to that in my letter and the Norway Shipowners Associa-
5 tion, I think, and SAF both commented on that particular
6 point.

7 Q. I would like to quote the particular
8 comment on this point so you can add to it, if you
9 have any comments of your own. I quote:

10 "The trend of recent years, poor
11 markets and increased pilotage dues,
12 has resulted in the fact that pilotage
13 dues have considerable influence on the
14 owners' choice of charter. It is a
15 fact that is especially noticeable in
16 the operation of smaller ships.

17 "In Norway there are examples of
18 owners rejecting offers of charter
19 because the pilotage dues make the
20 charter unprofitable.

21 "More completed barges with ex-
22 tensive coasting have resulted in
23 losses because of the high compulsory
24 pilotage dues."

25 Before I ask you to comment on this, Mr. Brock, would
26 you tell us what is the average size of your ships
27 engaged in the Lake trade?

28 MR. LALONDE: My lord, I do not want
29 to go into argument but I would like it noted on the
30 record that what has been said relates to Norway.



1 English

2 MR. BRISSET: Oh, yes.

3 THE WITNESS: Well, I would say we
4 have at this time several sizes so I cannot give you
5 the average. We are still using the old canalers
6 which have been lengthened to 300 feet. We are also
7 using three ships built in 1952 which are 8,000 tons
8 each.

9 MR. JACQUES: Gross or net?

10 THE WITNESS: I am talking dead-
11 weights and we have some new buildings, 5,000 tons,
12 so all these -- the purpose is to study and evaluate
13 the usefulness of size in the future.

14 MR. BRISSET:

15 Q. If you can, will you give us the range
16 in the deadweight for these vessels that are operating
17 in your particular service? What would be the
18 range; between what is the minimum and what is the
19 maximum?

20 A. I would say the minimum would be 3,600
21 tons and the maximum about 8,500.

22 Q. That is deadweight?

23 A. Deadweight, yes.

24 Q. And those ships are all general cargo
25 ships?

26 A. All general cargo ships. Possibly one
27 could say the ships I referred to, the Princess Irene
28 and the Princess Marguerite, could be referred to as
29 combined.

30 Q. Passenger and cargo?



1 English

2 A. Passenger and cargo ships.

3 Q. I am coming back to the comment that
4 I have read to you and I would ask you whether you
5 have any observations to make in this regard yourself
6 related to the trade over the St. Lawrence route?

7 A. In what respect, Mr. Brisset?

8 Q. Would you read the comment again and
9 tell us whether in your opinion this comment would also
10 be applicable to the St. Lawrence River route?

11

12

13 -

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30



English

A. Yes; I would say it is certainly applicable to the St. Lawrence River routes.

Q. And I include, when I say "the St. Lawrence River routes," the Great Lakes, of course?

A. Yes. Well, of course, we haven't any statistics and we can't come up with figures, but we have certainly looked at pilotage figures quite closely, and it might be of some interest to note that we submitted what I would call various random voyages figures -- voyages picked at random - to the Federation, and it might be of interest to note that the overall cost of pilotage, excluding boatmen, from Les Escoumins back to Les Escoumins is usually between \$2500 and \$3000 for the voyage.

MR. LALONDE: From where?

THE WITNESS: This would be from Les Escoumins; and the whole range, Mr. Lalonde, is to Chicago and back; and this includes all ports; so this is on an overall point of view.

MR. BRISSET: You mean your terminal operations in the lake end up at Chicago?

A. Yes.

Q. Your ships don't go into Lake Superior?

A. They do occasionally go to the Lakehead and to Duluth.

Q. But this is not a regular trade?

A. No; I would not call it part of their regular service, as such.

Q. Now, Mr. Brock, there have been various



1 English

2 statements made before this Commission to the effect
3 that trade was increasing in the St. Lawrence, or
4 through the St. Lawrence River route, during the last
5 few years; but in relation to this particular trade,
6 which I will call the general cargo trade -- liner
7 services -- have you made a review of what has happened
8 to a number of lines during the last few years, that
9 have engaged in this trade?

10 A. Yes; we have followed this quite closely
11 and we have observed that, for instance, in recent
12 years, quite a few lines have been obliged to discon-
13 tinue operations in this trading area.

14 Q. And have you, for the information of
15 the Commission, prepared a list of the lines, engaged
16 in general cargo services, that have discontinued these
17 services during the last few years?

18 A. Yes, I have prepared a list of the
19 lines which have discontinued services, which, I may
20 say, is only a part list because it has not been given
21 any thorough study; but this is what I have come up
22 with. There may be more lines than in the list.

23 Q. Would you file this list as Exhibit 954?

24 A. Yes.

25 ---EXHIBIT NO. 954:

26 List of lines which have
27 discontinued operations
28 from Eastern Canada in the
29 last few years.

30 MR. LALONDE: Could you define "the
last few years"? That might go back to 1900.



1 English

2 THE WITNESS: I can't go that far back.
3 This goes back, I would say, five or six years -- in
4 that area.

5 These lines are fairly well known to
6 the trade and can be verified.

7 MR. BRISSET:

8 Q. Now, I am sure, Mr. Brock, you don't
9 want to imply that they have discontinued operations
10 because of the cost of pilotage, but can you give us
11 a reason for this discontinuation? What has brought
12 that about?

13 A. Well, I would say it is a combination
14 of several factors. It is not tied down to any
15 specific factor, but it is a combination of several
16 factors which would really, I think, embrace a fairly
17 long list.

18 Undoubtedly, I must say, in all fairness,
19 that to any line that trades in the lakes the pilotage
20 factor is of necessity an important one; it has to be.
21 I refer to the figures I have noted in regard to the
22 cost of a round trip from Les Escoumins back to Les
23 Escoumins, and there is no doubt about it that it is
24 a very appreciable amount. Of course, it is obvious
25 that pilotage alone wouldn't do it, but it certainly
26 is a very important factor.

27 MR. BRISSET: I have no more questions,
28 my lord.

29 MR. LALONDE: Is there a copy of
30 Exhibit 954 in the hands of the witness, or can the



1 English

2 Secretary . . .

3 THE WITNESS: What is that document?

4 MR. LALONDE: It is the comments of
5 the Norwegian Shipping Federation.

6 THE CHAIRMAN: Exhibit 953. There
7 are two comments -- one from the Norwegian Shipowners
8 Association, which is Exhibit 953 . . .

9 MR. LALONDE: Yes. I thought the other
10 one was another Norwegian organization which is equiva-
11 lent to the Shipping Federation of Canada.

12 THE CHAIRMAN: This was not tabled.
13 From what I understand there are only two exhibits --
14 953, the comments of the Norwegian Shipping Federation
15 and the other one, 954, which is the list of lines
16 that have been discontinued.

17 MR. BRISSET: I would like, my lord,
18 to attach to Exhibit 953 the comments of SAF.

19 THE CHAIRMAN: I thought you were
20 satisfied with what you quoted.

21 MR. BRISSET: I had intended to file
22 the document and I apologize for having forgotten to
23 do so.

24 ---Copy of Comments of SAF attached to Exhibit 953.

25
26 CROSS-EXAMINATION BY MR. LALONDE:

27
28 Q. Mr. Brock, did you have an increase in
29 your freight rates last year on the St. Lawrence?

30 A. Yes, there have been a few increases



1 English

2 over the past ten years, but no substantial increases.

3 Q. Do you have any idea what the freight
4 rate is going to be next year?

5 A. They are being negotiated.

6 Q. Do you have an idea of the percentage
7 increase last year of freight rates over the previous
8 year?

9 A. I am not able to say because there
10 are so many trades involved and they have different
11 conferences and I am not in a position to come up --
12 I could obtain this for you, but I am not at this
13 point able to give you any percentage on that.

14 MR. LALONDE: I have a comment to
15 make on Exhibit 953. I notice that the Norwegian
16 Shipowners Association comment, in answer to the
17 request for information, that

18 ". . . Furthermore a Canadian depart-
19 mental delegation has recently toured
20 Europe in order to learn about the
21 piloting regulations, and the way they
22 are practised, etc. in several European
23 countries. . ."

24 I wanted to make it straight -- make it clear -- that
25 we didn't try it under false representations -- in
26 no way.

27 THE CHAIRMAN: It was language diffi-
28 culties, I suppose.

29 MR. LALONDE:

30 Q. I wonder if you have any comment to



1 English

2 make on the statement in Exhibit 953, where it is
3 stated:

4 "As far as the proposal regarding
5 Linesmen is concerned, we assume that
6 there is no controversy between the
7 parties as such an arrangement generally
8 is regarded an advantage . . ."

9 Have you any comment to make on that statement?

10 A. I would like to read it again, if I
11 may. I must again apologize for my tardiness in
12 reading through not having my glasses with me.

13 Have I comments to make on the state-
14 ment "As far as the proposal regarding Linesmen
15 is concerned . . ." -- I am not too familiar with that;
16 and then they say ". . . we assume that there is no
17 controversy between the parties . . .". Well, that
18 assumption, of course, shouldn't be made, because the
19 use of linesmen is controversial on the Seaway.

20 MR. BRISSET: Although there is a
21 certain advantage in having linesmen -- nobody denies
22 that?

23 THE WITNESS: No, you can't. It is
24 better to have linesmen, naturally.

25 MR. LALONDE:

26 Q. You also submitted Exhibit 954 which
27 is a list of a certain number of lines which have dis-
28 continued their service from Eastern Canada in the last
29 few years. Is this Eastern Canada generally-- that
30 is, the Great Lakes and the St. Lawrence River and the



1 English

2 Atlantic ports?

3 A. Some would be Great Lakes; others
4 would not. I think, that would have to be considered
5 further. Take the County Lines, they did not go into
6 the lakes; some did and some didn't. I would have
7 to work that out.

8 Q. Yes; and some of these have discontinued
9 even at the Atlantic ports also -- the whole of Eastern
10 Canada?

11 A. Yes, that is right.

12 Q. And have you prepared a list of new
13 lines which have come in during the last five or six
14 years?

15 A. No, I have not done so.

16 Q. Are you aware that there is a certain
17 number of new lines, which didn't come before and which
18 now come -- which didn't to to the Great Lakes before
19 and now go to the Great Lakes?

20 A. There are a number of lines -- Japanese
21 lines and other lines.

22 Q. Are you aware, in fact, that there
23 are many new lines in the last five or six years which
24 have come into the St. Lawrence River and the Great
25 Lakes which did not before come into St. Lawrence
26 Ricer and the Great Lakes?

27 A. I don't know whether it would be correct
28 to use the term "many" new lines.

29 Q. Could you name a few?

30 A. Yes, you have the Japanese lines.



1 English

2 Q. Is this one or several lines?

3 A. Several lines; but there again, fairly
4 recently, I understand, they are merging. The merger
5 hasn't been completed yet.

6 Q. Yes; and the Head Line --is that one
7 that would now go to the Great Lakes and didn't pre-
8 viously go to the Great Lakes?

9 A. Yes.

10 Q. And Canadian Pacific Steamships would
11 be one that would now go into the Great Lakes and
12 didn't before go into the Great Lakes?

13 A. That is correct.

14 Q. Would the same apply to Cunard?

15 A. Yes.

16 Q. Would the same apply to Manchester?

17 A. Yes.

18 Q. Would also the same apply to Saguenay
19 Shipping which didn't go before and now goes into the
20 Great Lakes?

21 A. Yes; I understand, as was mentioned here
22 yesterday, on a very limited basis.

23 Q. Would you know of other lines which
24 didn't go before and now go through the Great Lakes?

25 A. Well, there is no doubt there would be
26 others, but I don't . . .

27 Q. Another one I might mention is Moore,
28 McCormack?

29 A. Moore, McCormack would be one, yes.

30 Q. And some of the lines I have mentioned



1 English

2 are pretty important -- big lines; would you say that?

3 A. Yes; and some of the lines which have
4 gone out were rather important, too, at the time.

5 Q. And in the list of names which you
6 have mentioned do you know of any major firms that have
7 been taken over by other firms

8 A. No; but I would like to emphasize that
9 this is not a complete list, Mr. Lalonde. There are
10 still other lines which have gone out of business and
11 have been taken over. One, for instance, is the
12 well known Hamburg-Chicago Line which was taken over
13 by the Dutch Nieuvelt-Goudrian Lines.

14 If I may just add to that, another
15 major one is of our own company -- with the Fjell-
16 Fjord and Fjell-Oranje Lines.

17 Q. Would it be fair to say that in the
18 shipping industry, just as much as in the other
19 industries, there is a tendency to concentration in the
20 larger scale operations, scale economy?

21 A. That is necessary.

22 Q. Yes; but when it does occur there is
23 certainly a tendency to reduce the number of firms
24 and you have bigger firms in operation?

25 A. Yes.

26 Q. Would you also agree that, at least
27 for a certain time, there has been what one might
28 call over-tonnage in the general cargo business on
29 the river and that many lines, especially with the
30 opening of the Seaway, wanted to try it and see whether



1 English

2 they might make business out of it?

3 A. Yes, I would say that is correct.

4 In fact, there are also companies which have made
5 surveys in this trade and decided not to go in
6 because it is too expensive all over.

7 Q. Would you say that so far as pilotage
8 is concerned, if all these lines moved in the deep-sea
9 trades, the cost of pilotage, assuming they all have
10 similar ships -- the cost of pilotage is similar
11 in the sense that it is the same tariff that will be
12 available?

13 A. It is the same tariff, yes.

14

15 -

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1 English

2 Q. And you stated that accepting your
3 figures it was \$2500 up to \$3000 for a round trip on
4 the Lakes and the St. Lawrence River and that this could
5 be taken as a kind of flat charge which would apply to
6 all deep sea ships making the round trip?

7 A. Yes.

8 Q. Assuming reasonable ---

9 A. It would vary, of course. It would
10 possibly in certain cases -- if a ship went direct to
11 Deluth it would be less than \$2000. Maybe in other
12 cases where a ship goes to many additional points it
13 could exceed \$3000.

14 Q. My point is that assuming similar
15 routes and similar vessels between two different
16 companies it would be a kind of identical burden or
17 identical flat charge for the two competitors?

18 A. Yes.

19 MR. LALONDE: Thank you very much.

20 CROSS-EXAMINATION BY MR. LANGLOIS:

21
22 Q. Mr. Brock, do you agree with the
23 statement contained on page 2 of Exhibit 953 where I
24 read this:

25 "The aim from the shipping point of view
26 is, of course, to reach a system which offers
27 the greatest possible security to ships."

28 Would you agree with that referring to
29 pilotage?

30 A. I think one must always have security



1 English

2 Q. Certainly this pilotage is not only
3 a matter of convenience for the shipowner, for the
4 shipping industry; there is also some security factor
5 involved?

6 A. I would say that there is a certain
7 security factor involved, yes.

8 Q. The lines listed in Exhibit 954 as
9 having discontinued operations from eastern Canadian
10 ports in the last few years, would you be able to
11 tell us why these lines discontinued their operations?

12 A. I am afraid I could only come up with
13 a rather naive answer, that they did not make any money.

14 County Lines I am quite familiar with.
15 County Lines started here in the early 1920's and I
16 know the chief manager Mr. Hofstad very well. I
17 happen to know they could not make both ends meet;
18 and that was applicable to other lines here too.
19 Nordlake Lines would be the same, because they could
20 not manage.

21 Q. Did not County Lines -- since you
22 mentioned this first -- have any affiliation with
23 Canada Steamship Lines?

24 A. They had a certain working agreement
25 with Canada Steamship Lines, I believe. The Canada
26 Steamship Lines acted as part booking agents and
27 they had a working agreement.

28 Q. Is it not a fact that the cargo of the
29 Canada Steamship Lines used to go through County Lines?

30 A. I presume some did, yes.



1 English

2 Q. Is it not a fact that in many of
3 these cases, in the cases of these lines the reason why
4 they have disappeared is either on account of mergers
5 or their operations have been taken over by affiliated
6 companies?

7 A. As far as these lines are concerned,
8 Mr. Langlois, I am not aware that that is the case.
9 I know of other mergers. I have not had too much
10 opportunity to study that, but I do know of others.

11 As far as these lines are concerned -- I
12 mean, the Michigan Ocean Lines; I think that is very
13 recent, in the last few days, and there is no question
14 of merger.

15 Q. Is it not a case of the two last
16 companies mentioned in your list -- Watts Watts Line and
17 Elder Dempster Lines?

18 A. I beg your pardon?

19 Q. As an example of what I have just said
20 when I asked you the question about affiliation or
21 mergers, is it not the case as regards Watts Watts
22 Lines and Elder Dempster Lines?

23 A. I am not familiar with that, sir.

24 Q. Do you know of the affiliation between
25 Watts Watts Line or Federated Lines or Federal Commerce
26 and Navigation Company, which is still very much
27 alive and operating in eastern Canada?

28 A. No, I am not aware of the exact
29 affiliation.
30



1 English

2 Q. Would you mind telling us between
3 which points Grace Lines used to operate?

4 A. I was under the impression that Grace
5 Lines operated from the Lakes. I do not know from
6 which points.

7 Q. Would you mind giving us the years--
8 Do you know?

9 A. No, I have not that information.

10 MR. BRISSET: 1959, 1960 and 1961.

11 MR. LANGLOIS: Q. From which port and
12 to which port? It is an American Line, of course.

13 MR. BRISSET: Chicago, Detroit, Cleveland.

14 MR. LANGLOIS: Who is the witness?
15 Is it my learned friend? I will cross-examine him
16 if he is the witness.

17 MR. BRISSET: I am trying to be helpful
18 and supply the information, but if it is not wanted
19 I withdraw the information.

20 MR. LANGLOIS: Q. What about North
21 American Lines? Now they are charterers; is that not
22 a fact?

23 A. I believe so, but I believe they also
24 had a liner service.

25 Q. Is it not a fact that they are operating
26 now under another name?

27 A. I do not know.

28 Q. What about Hellenic Lines; do you know
29 the reason why they discontinued their operations?

30 A. No, I am not aware of the exact reasons



1 English

2 except that I have been given to understand that they
3 have discontinued operations.

4 Q. Would you agree with me if I stated
5 that the discontinuance of this operation for all
6 these lines that you have mentioned has no bearing
7 at all on pilotage dues or pilotage in the St. Lawrence
8 River or the Lakes?

9 A. No, I would not agree with you.

10 Q. You would not?

11 A. Pilotage has no bearing?

12 Q. Yes -- was not a factor in the dis-
13 continuance of their operations, if you want to put
14 it that way?

15 A. I would say it is definitely a factor,
16 a certain factor. Just to what extent I am not able
17 to say.

18 Q. I have asked you several questions.
19 I have asked you if you knew the reasons why they
20 had discontinued. You told me No, and now you say
21 that pilotage had some bearing on the discontinuance?

22 A. I think I mentioned previously that
23 there are many factors involved and based on cost
24 pilotage and other costs would have a bearing on it.

25 MR. LANGLOIS: The record will speak for
26 itself, Mr. Brock, in this respect.

27 Thank you.

28 COMMISSIONER SMITH: Does your agency have
29 the tendency to increase to any appreciable extent
30 the size, the tonnage of ships?



1 English

2 THE WITNESS: We are studying that matter
3 now, sir, and we have not... The last three new
4 buildings are in the order of about 55 hundred tons
5 dead weight, which does not represent an increase.
6 However, we are giving thought to the question of
7 increase in size.

8 COMMISSIONER SMITH: There has been a lot
9 of evidence given to the Commission that there is a
10 tendency for substantial increases in the size of
11 ships. I have in front of me here a clipping from a
12 newspaper to the effect that the C.P.S. have sold one
13 of their 10,000 ton cargo ships to Beavercove. The
14 statement further says that it is part of the company's
15 plans to rid itself of larger ships and concentrate on
16 smaller ships?

17 THE WITNESS: Yes.

18 COMMISSIONER SMITH:.. Which is quite
19 contradictory to what is referred to.

20 THE WITNESS: I can say, of course, that
21 operations in this lake trade, which we are principally
22 concerned with, are quite different. We have many
23 harbours and the question of having a ship that is
24 easy to handle plays an important part in it too, as far
25 as our owners are concerned.

26 There is no doubt that with bulk cargoes,
27 when they are chartering the tendency is definitely towards
28 larger ships. In fact I follow it fairly closely in
29 the shipping journals and with bulk carriers now 40,000
30 tons is quite customary. But in the Lake trade it is



1 still subject to study and we are these days being
2 asked to come up with ideas in that respect..

3 COMMISSIONER SMITH: Thank you.

4
5 FURTHER CROSS-EXAMINATION BY MR. LANGLOIS:

6 Mr. Brock, I have just one question.
7 When my learned friend Mr. Lalonde asked you to mention
8 some of the lines which have started operations in
9 Canada within the last few years, among these new lines
10 there is one which was mentioned as the Lauritzen
11 Lines. Apparently he is doing a very profitable
12 business in the St. Lawrence, even in the winter months.
13 Would you agree with that?

14 A. The Lauritzen Lines?

15 Q. Yes?

16 A. I believe they are doing well.

17 Q. What about Poseidon Line; has that also
18 started in recent years?

19 A. No. Poseiden has been in the trade
20 for some time; but I cannot say the number of years.

21 MR. BRISSET: Before the war actually.

22 MR. LANGLOIS: Q. What about Nedlloyd
23 Line?

24 A. Yes.

25 Q. What about Hamburg America Line?

26 A. Fairly recent.

27 Q. What about the Ernst Russ Line?

28 A. Which line is that?

29 Q. ~~Ernst~~ Russ.

30 A. That goes back quite a few years.



English

Q. What about North German Line?

A. I think they have been in operation for some time.

Q. A few years?

MR. BRISSET: 40 years.

MR. LANGLOIS: Q. Not in the river?
I am going through your list of memberships.

CROSS EXAMINATION BY MR. JACQUES

Q. You quoted examples of pilotage dues of somewhere between \$2,500 to \$3,000 per trip Escoumains to Escoumains to the Lakes. Is that an average pilotage bill for your trade?

A. Yes. I mentioned, sir, that we have not come up with a list of all vessels but several voyages were chosen strictly at random, just taken out of the files. As I mentioned before, these amounts varied between \$2,500 and \$3,000.

Q. Between \$2,500 and \$3,000?

A. Yes. Of course, as I previously said, if you analyse all voyages you no doubt will come to amounts possibly less than \$2,000 and some over \$3,000.

Q. For some particular voyages?

A. Yes.

Q. That would depend on the number of ports of call?

A. That is correct, yes.

Q. And the greater the number of ports of call the higher the pilotage bill would be?



1 English

2 A. Yes.

3 Q. You have mentioned in reply to a
4 question by Maitre Langlois that safety was not the
5 ~~only~~ factor you considered in respect of pilotage.
6 Would you tell the Commission what is in your mind the
7 primary reason for pilotage services?

8 A. I would say for despatch.

9 Q. Would that be the primary reason?

10 A. Despatch would be the primary reasons.

11 Q. Is there any Great Lakes Conference;
12 does that exist?

13 A. Oh, yes, there are several conferences.

14 Q. Would you recall the names of these
15 conferences?

16 A. Sir, I could name a few of them, but
17 there are so many conferences that I would like to
18 have the opportunity -- if you wish to have those
19 names I could ascertain them and submit them to you.
20 But I do not have all the names of all the many
21 conferences in my mind at the moment.

22 Q. If you please, and Mr. Brisset could
23 give us those names later on, the conferences with
24 respect to Lake trade.

25 MR. BRISSET: My Lord, I have no objection
26 to that. But I do not see in what way this comes
27 within the terms of reference investigating pilotage.

28 MR. JACQUES: We are investigating pilotage
29 and, if I recall correctly, the terms of reference
30 stipulate that any recommendation of the Commission must



1 English

2 take into account and must have regard to the safety of
3 navigation, the development of shipping and commerce,
4 the interest of pilots, ship-owners, masters and the
5 public generally. Since the pilotage fees are one
6 of many factors in the cost of operating ships, I think
7 that if the Commission is in a position to know how
8 competition takes place on the lake, it might be in
9 a better position to appreciate the full impact of
10 pilotage.

11 MR. BRISSET: I do not want to argue at
12 any length on this. We are quite happy to furnish
13 these names of all conferences.

14 MR. JACQUES: To find out how many
15 conferences and which conferences are dealing there,
16 and, being in possession of that list, if the Commission
17 feels it must have information on the general pattern
18 and the fixing of rates, then we can ask these
19 conferences to appear before you.

20 THE CHAIRMAN: Do you think the witness is
21 a competent one for that?

22 MR. JACQUES: I am quite sure, My Lord.

23 THE CHAIRMAN: However, if you can get
24 some information?

25 MR. BRISSET: Yes.

26 MR. LANGLOIS: My Lord, I just want to
27 draw the attention of the Commission and the witness
28 and explain that the following companies which are
29 listed as having discontinued their operation in
30 Exhibit 954 are still listed in Appendix 1 as being



1 English

2 members of the Shipping Federation of Canada. They
3 are Nordlake Lines, Michigan Ocean Line, Hellenic Lines,
4 Watts, Watts Lines and Elder Dempster Lines. I
5 think a word of explanation would be necessary.
6 If they are discontinued how is it they are still
7 members of the Shipping Federation of Canada?

8 THE CHAIRMAN: They might be still operating
9 maybe on the coast, not in the lakes. They may have
10 part of the services.

11 MR. LALONDE: Exhibit 954 says they have
12 discontinued operations from eastern Canada. I
13 thought the Shipping Federation of Canada was concerned
14 with the whole of eastern Canada.

15

16

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1 English

2 THE CHAIRMAN: You will have to think it
3 over. There may be an obvious reason.

4 MR. BRISSET: It happened during the current
5 year. This is the list of December 62.

6
7 CROSS-EXAMINATION BY MR. LALONDE:

8
9 Q. Would you be able to say whether your
10 masters of your regular lines have B licences for the
11 Great Lakes?

12 A. Yes. I believe that is in practically
13 all cases they have B licences. I think it has happened
14 that there was a lapse where two or three years in some
15 cases etc.

16 Q. Have you checked to see whether or not
17 they were taking pilots on the open waters?

18 A. They were not taking pilots on the open
19 waters, no, with the rare exception.

20 Q. As far as freight rates are concerned in
21 the Great Lakes, are these identical freight rates between
22 various companies or is there a difference in price on
23 cargoes between one company and the other when they
24 operate in the Lakes?

25 A. Well, you have certain Conference Lines.
26 You have certain non-Conference lines.

27 MR. JACQUES: You would have contract rates
28 and non-contract rates?

29 THE WITNESS: Yes.

30 MR. LALONDE: Q. Do you belong to this



1 English

2 Conference?

3 A. We belong to --

4 Q. The Lines your represent?

5 A. The Lines we represent belong to most
6 Conferences but not all Conferences.

7 Q. Do they belong to the Conference setting
8 the rates in the Great Lakes?

9 Q. Do you know of any important companies
10 which trade on the Great Lakes and do not belong to
11 the Conference?

12 A. I believe -- I use the word "believe"
13 that Saguenay is one.

14 Q. You stated before they were on the
15 Lakes on a minimal basis?

16 A. That is what I hear yesterday.

17 Q. Do you know of any others?

18 A. I would have to give it study, sir,
19 not offhand.

20
21 EXAMINATION BY MR. JACQUES:

22
23 Q. With respect to the size of vessel,
24 the evaluation which you may foresee in the ship
25 construction industry would be limited by the
26 facilities available? You cannot build a ship of
27 greater draught than 25 feet at the moment because the
28 Seaway is limited to 25 feet?

29 A. Maybe I am in error but I was under
30 the impression it was 25.6. Could that be checked



1 English

2 out?

3 Q. 25.6. I will not quibble for that.

4 A. It makes quite a difference.

5 Q The length and breadth would be limited
6 too, would it not?

7 A. Yes.

8 Q. So your trend is in fact limited?

9 A. Well, there is that limitation, of
10 course, the limitation on the lock.

11 THE CHAIRMAN: Any further questions?

12 Thank you, Mr. Brock.

13 THE WITNESS: Thank you, My Lord.

14

15 MR. BRISSET: Captain Ligtermoet please.

16

17 R.J. LIGTERMOET, sworn

18

19 THE SECRETARY: Can we have your name
20 again for the record please?

21 THE WITNESS: R.J. Ligtermoet.

22 THE SECRETARY: Your occupation?

23 THE WITNESS: Harbourmaster, Montreal.

24

25 DIRECT EXAMINATION BY MR. BRISSET:

26 Q. Captain, you are the present Harbour-
27 master in the Harbour of Montreal?

28 A. I am, yes.

29 Q. Will you just outline for this Commission
30 what are your duties, your main duties as such?



English

A. The main duties are jurisdiction in the harbour over traffic control in the whole area of the harbour, from the harbour limits, I should say. Supervision also over the sheds, cargo wise, the allotment of sheds, berthing of vessels, the allotment of berths -- open berths, I should say, not shedded berths to vessels, the billing to vessels for harbour dues and dockage. Those are in general lines --

Q. I want to refer to the first one you have mentioned. The control of traffic?

A, Yes.

Q. Within the limits of the harbour, when you speak of limits, you speak of the statutory limits: That is to the western limits of the harbour to Sorel?

A. That is correct.

Q. That is what you have in mind?

A. Yes.

Q. Can you give us just a brief outline of how control of traffic is maintained in the harbour under your auspices?

A. Traffic control consists of a control system by radio-telephones. The complete control we do not have as yet because there are still vessels not equipped with radio-telephones. However, the amount of vessels that are equipped with radio-telephones increases every year. In the very near future we hope all the vessels will have it.

Vessels report to our traffic officer on



English

the radio-telephone, whenever they enter the harbour at the Sorel limits, as soon as possible. They give them their name of the vessel, the E.T.A. and destination or what berth. When they get closer our traffic officer usually asks them to report again when approaching Long Point. That is, if they are bound for a point upstream from Long Point.

Q. Do they have to report even if they are going directly to the Seaway?

A They have because we have to get special permission first from the Seaway to let them through.

The usual procedure is that the traffic officer asks each ship to report again when nearing Long Point or at the latest near Vickers to enable him to direct other traffic, downbound traffic and traffic from the Seaway and accordingly to advise all these ships what traffic is going on in the area.

Q. What is the purpose of the control?

A. To avoid collisions in the first place and also to avoid delays in vessels sailing and in general for the safety of navigation in the harbour.

Q. Now then, within the statutory limits of the harbour how many anchorage areas do you have for ships?

A. We have a large area near Lanoraie, which can accommodate a great number of vessels and our old ship anchorage closer by at Long Point which



1 English

2 can only hold seven large vessels. Apart from that,
3 there is not any anchorage established in the harbour
4 limits.

5 Q. The limit in the number of vessels you
6 can anchor at Long Point you said was seven?

7 A. Correct, seven large vessels, maybe ten
8 smaller ones.

9 Q. So there would be a range between
10 seven and ten, depending upon the size?

11 A. Right.

12 Q. Were you present in court yesterday,
13 Captain, when the manager of the Port, Mr. Beaudet
14 was testifying?

15 A. I was.

16 Q. He spoke, you will recall, of the
17 advantages on the part of the Port authority in taking
18 over the administration of pilotage and jurisdiction
19 over pilots within the limits of the harbour. Will
20 you tell us whether from a practical point of view,
21 that is the point of view of your control operation,
22 you have any comments to make on this subject yourself,
23 on the technical side.

24 MR. LALONDE: My Lord, just to make the
25 record clear I think my friend said Mr. Beaudet appeared
26 on behalf of the National Harbours Board.

27 MR. BRISSET: No, I said manager.

28 MR. LALONDE: I am not quite sure what I
29 heard but I want to stress the fact that Mr. Beaudet
30 stated he was giving his personal views and was not



1 English

2 appearing on behalf of the Board when he came here.

3 MR. BRISSET: I do not recall having said so.
4 If I did it was a slip of the tongue. I thought I
5 said manager of the harbour.

6 MR. LALONDE: Maybe that is right.

7 THE WITNESS: I concur largely with
8 the views of the Board Manager in this point. I believe
9 there are certain advantages to be had.

10 Q. Can you develop this now from your own
11 technical point of view in relation to the control of
12 traffic?

13 A. Yes, I can say this from my point of
14 view and also from past experience which I had in this
15 specific matter that to have two authorities working
16 together in a sort of coordination and cooperation but
17 with two different bosses works up to a point only but
18 never completely, because there is too many individuals
19 involved. It takes only one or two individuals in
20 this whole set up and you have no cooperation but that
21 is why it is always best to have these two working together
22 under one authority only. I have this past experience
23 as Harbour Master in the Far East. I worked there --

24 MR. LALONDE: Where?

25 THE WITNESS: In the Far East, in Indonesia,
26 which is today Indonesia and was Netherlands East Indies
27 up to 1949, and I was harbourmaster there and the pilots
28 were also under the authority of the harbour so I
29 worked closely with them and I have experienced there
30 that it works very good if you can tell the pilot



English

yourself how you want the work done and where to go and when to go. This is all done now by a separate authority.

Specifically I might mention delays often occur because the pilots are not despatched by my office. That would be an advantage, the prevention of delays. Apart from that, as the Port Manager pointed out, if something happens, we have had at times difficulty in obtaining information of what exactly happened so we cannot correct it.

MR. BRISSET: Q. Now, there is another question in relation to pilotage services in which I would like to have your views, Captain. It has to do with leaving exclusively to the harbour pilots the docking and undocking of ships which at present is a job shared by both river pilots and the harbour pilots?

A. Yes.

Q. Now, in this regard would you see an advantage or not in having all this work of docking and undocking done by harbour pilots?

A. Absolutely.

Q. In what respect would there be an advantage?

A. In my opinion, the harbour pilot is especially trained for this sort of work. The river pilot should not be -- maybe they are but in fact the river pilot is not a pilot for docking and undocking ships in most parts of the world. That is the case.

The harbour pilot as mentioned is a specialist



1 English
2 in docking and undocking and if you leave it to this
3 type of pilot then they will despatch docking and
4 undocking of vessels with less danger of damages to
5 either ship or dock, so I believe that it would be
6 an advantage for all docking and undocking to be done
7 by harbour pilots only.

8 Q. Now, Captain, do you have any idea
9 of the length of time on the average which it will
10 take a harbour pilot to shift a vessel say from the upper
11 harbour to the oil docks? What is the length of the
12 average operation? Can you give us an idea?

13 A. This is not easily answered. It
14 depends on what type of ship and which pilot.

15 Q. I realize that.

16 A. There are so many factors involved.
17 I would say to take the average ship from the upper
18 harbour to the oil docks would take an hour and a half
19 normally.

20 Q. Is that a frequent occurrence, this
21 shifting from a berth in the harbour to the oil docks?

22 A. Yes, not only to the oil docks but also
23 from one berth to another, from one shed to an open
24 berth and vice versa. These movements take place
25 I would say about 30 to 35 times a day in our spring
26 and fall busy season. During the months of June,
27 July and August it slackens off but in the busy days
28 in the spring and fall, as I mentioned, we have 30 to
29 40 trips like this every day.

30 Q. In other words, the moves in the harbour



1 English

2 which are taken care of by the harbour pilots in busy
3 times average from 30 to 40?

4 A. Correct.

5 Q. And in the slack times, they would
6 average from what?

7 A. I would say half that, between 15 and
8 30.

9 Q. Between 15 and 30?

10 A. Yes.

11 Q. Do you know how many active pilots
12 there are operating in your harbour as harbour pilots?

13 A. I am not fully aware of the exact
14 mount. I believe there are twelve.

15 Q. There are sixteen, if I may just assist
16 you.

17 A. Sorry.

18 Q. If we can do a little bit of mathematics,
19 Captain, on the basis that there are sixteen pilots
20 in the harbour their trips per day during the season
21 would therefore vary --

22 MR. LALONDE: My Lord, I am not good at
23 mathematics. I don't want to insult my friend but I
24 don't think he is much better than I am at mathematics.

25 MR. BRISSET: I agree.

26 MR. LALONDE: I think we have on the
27 record and in the exhibits all the statistics of the
28 Department and individual cases of how many trips
29 they have every day and every month and the witness has
30 given an approximate idea of how many trips there were



1 English

2 in the slack times and rough times, I don't think for
3 one thing he is in a position to assess exactly the
4 figure itself. I would submit we have all that in the
5 record. If you want to check it exactly, howmany
6 boats in movement per day.

7 THE CHAIRMAN: That may be true but I haven't
8 heard the question as yet.

9 MR. BRISSET: I have to preface my question
10 with this information to the witness and that is why I
11 was proceeding in that manner.

12

13

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1 English

2 Q. I want you to accept, Captain, that
3 there are sixteen pilots at present in the harbour?

4 MR. LALONDE: He said twelve.

5 MR. BRISSET: But he was wrong. Are
6 we agreed that there are sixteen?

7 MR. LALONDE: It depends whether they
8 are effective. Are you talking about effective pilots?

9 MR. BRISSET: Effective and healthy.

10 MR. LALONDE: It depends, that is
11 the point.

12 MR. BRISSET:

13 Q. Let us agree, for the sake of argument,
14 that there are sixteen pilots; will you accept that?

15 A. Yes.

16 Q. And accept that they are all willing
17 to work and healthy, too, and are all properly licensed
18 and qualified?

19 A. Yes.

20 Q. Taking into account the average of moves
21 per day would you agree that if, in addition to working
22 simply between the upper harbour and the end of the
23 actual wharf and berth at the harbour, they were to
24 take their ships to and from the western limits of the
25 harbour would there be an additional load on every
26 move they made?

27 A. Naturally.

28 Q. Do you know offhand the distance
29 between the east end of the harbour installations
30 at Longue Point or Montreal -- East Marion Wharf, I



1 English

2 believe -- to the upper limits of the harbour of
3 Sorel?

4 A. It is twenty-seven miles.

5 Q. Now, assuming that the harbour pilots
6 would do this additional run of 27 miles, which is at
7 present outside their activities, would you consider
8 that if they did this they would lose experience in
9 docking and undocking ships?

10 A. No, I don't think so, because they
11 will get many additional dockings and undockings to
12 do which are presently done by the river pilots.

13 Q. In other words, what they may lose . . .

14 A. . . . they will gain otherwise.

15 Q. . . . by way of experience in docking
16 and undocking while they are travelling downriver, they
17 will make up by doing the docking and undocking pre-
18 sently done by river pilots?

19 A. Absolutely; I think it is more than
20 equivalent to what they lose by making this distance.

21 Q. Now, in 1962, I want to point out to
22 you that, according to the statistics of the Department
23 of Transport -- the last one available -- the workload
24 of the harbour pilots was 2.6 hours, and by "workload"
25 meaning the time actually on board ship . . .

26 MR. LALONDE: Or the actual sailing
27 time.

28 MR. BRISSET: Well, sailing time, if
29 you wish?

30 A. Per ship, you mean?



1 English

2 Q. I want you to take into account that
3 the time travelling from their home to the wharf is
4 not involved in this, and I think you will agree that
5 they don't have experience in docking and undocking
6 while travelling from their home to a ship?

7 MR. LALONDE: Nor while waiting for
8 a ship somewhere.

9 MR. BRISSET:

10 Q. Nor waiting for a ship, nor while
11 standing on the bridge when the ship is not moving.
12 Taking into account this daily workload would you con-
13 sider that the additional load of taking the ship down
14 to the harbour of Sorel, or up from the harbour of
15 Sorel, would greatly affect the present workload as
16 you have it, so as to make the job still more difficult
17 -- more cumbersome?

18 A. It would not make it more difficult,
19 but it would increase, of course, the hours spent aboard.

20 Q. That would be the only effect -- to
21 increase the daily . . .

22 A. . . . workload.

23 Q. . . . workload in the sense of being on
24 board ship longer?

25 A. Yes.

26 Q. Have you made any study at the present
27 time, Captain, of the increase there should be in the
28 number of harbour pilots if the sphere of their
29 activities was extended to Sorel?

30 A. No, I have not.



1 English

2 Q. Do you feel that this is a subject for
3 which you are equipped to prepare studies?

4 A. Yes, I could do that.

5 Q. Now, in so far as despatching pilots
6 is concerned, which you would have to take over if
7 the Port Authority would take over administration of
8 pilotage -- do you foresee how this could be done?
9 I am speaking of the organization that would be re-
10 quired for that.

11 A. Well, there shouldn't be any great
12 change in organization as it is at present; only in
13 a different office; probably the despatching of the
14 pilots should be done from our office instead of
15 from where it is done now.

16 The administrative end could very easily
17 be absorbed by the administrative set-up that we have
18 in the Harbour Board without any increase in staff;
19 however, I might need an increase in staff for
20 despatching.

21 Q. How many do you have at the moment
22 in your despatching office?

23 A. We don't have a despatching office.
24 We only have traffic control.

25 Q. I am sorry; I used the wrong expression
26 -- your traffic control office?

27 A. There are three men continuously,
28 twenty-four hours a day, on watch -- one at a time,
29 of course, eight hours a day; and it will increase
30 by a fourth this season.



1 English

2 MR. BRISSET: Thank you, Captain.

3
4 EXAMINATION BY MR. JACQUES:

5 Q. Have you facilities in Sorel for the
6 despatching of pilots by river?

7 THE CHAIRMAN: He is not doing des-
8 patching.

9 MR. JACQUES:

10 Q. . . . facilities which could be adapted
11 for the despatch of pilots by river?

12 A. I would say probably the Marine Services
13 of the Department of Transport -- they have Marine
14 Services in Sorel which could be used for that purpose.

15 Q. You realize that what has been suggested
16 implies a changeover of pilots at Sorel?

17 A. Yes; I believe it is suggested instead
18 of Three Rivers; it is extended to Sorel.

19 Q. Don't you think that would be reverting
20 to the previous situation which existed in Montreal, to
21 a great degree? Before the Harbour Pilots were
22 created the River Pilots did all the moves and the
23 docking and undocking?

24 A. Yes.

25 Q. And piloted the ships from Montreal to
26 Three Rivers?

27 A. Yes, correct.

28 Q. And now, with the present system, these
29 pilots would do some river piloting from Sorel to
30 Montreal and also do the moving and docking and undocking



1 English

2 of all ships?

3 A. Yes; but it would be quite a considerably
4 shorter distance than to Three Rivers.

5 Q. I believe about what -- thirty miles?

6 A. Thirty-two miles, yes.

7 THE CHAIRMAN: We will adjourn now
8 for ten minutes.

9 Now, we had a special request for
10 a very special occasion that we should adjourn at
11 twelve-thirty, and we will come back at a quarter to
12 three; and we may prolong it a bit to a quarter to
13 five or maybe to five o'clock tonight, if that is
14 agreeable to everybody.

15 ---Recess.

16
17 MR. BRISSET: My lord, may I be per-
18 mitted to ask one question of the Captain, which I
19 omitted?

20 THE CHAIRMAN: All right.

21
22 DIRECT EXAMINATION BY MR. BRISSET (Cont'd):

23 Q. Are there in the harbour at times during
24 the season what I might call peak periods?

25 A. There certainly are.

26 Q. At what times, particularly?

27 A. Do you mean daily peak periods?

28 Q. No, seasonal peaks?

29 A. The seasonal are usually in April and
30 November.



1 English

2 Q. Now, are there also, in your experience,
3 cases where there are changes of orders which would
4 entail the release of a harbour pilot by a river pilot,
5 or vice versa?

6 A. Yes; in these periods especially we
7 have had quite a good many of these delays which have
8 occurred.

9 Q. Could you give us an illustration?

10 A. A vessel coming out of the Seaway,
11 for instance -- a grain ship -- due to our limited
12 anchorage at Longue Point we have sometimes to divert
13 them to Lanoraie anchorage to wait until a berth in
14 the upper harbor will be available to discharge
15 grain. Now, it occurs quite often that a harbour
16 pilot is ordered for such a ship at St. Lambert Lock
17 in order to bring the ship into Montreal Harbour, not
18 knowing that Longue Point anchorage is occupied --is
19 full -- and that there is no berth available; and in
20 such cases we have to tell the ship to go to Lanoraie;
21 this involves taking on a Harbour Pilot, and this
22 situation . . .

23 Q. And this would, I take it, be avoided
24 if the sphere of activity of the Harbour Pilot was
25 extended to include Lanoraie?

26 A. That is correct; and there would be
27 a Harbour Pilot at all times.

28 Q. Now, would you see any advantage, in
29 so far as your operations at the Harbour of Montreal
30 are concerned, in despatching Harbour Pilots from the



1 English

2 station rather than from home and in having, say, a
3 small number of pilots waiting their turn at stations
4 rather than at home?

5 A. I believe you mean on standby at the
6 station?

7 Q. Yes.

8 A. I certainly see advantage in it because
9 if a pilot is needed in a hurry, or maybe even for
10 an emergency, the present set-up is that they get
11 one or one and a half hours' notice; whereas if there
12 was a pilot on standby at the office -- or one or two
13 of them -- maybe more if circumstances might demand
14 that -- you would always have a pilot available for
15 an emergency, or for a ship that has to sail unex-
16 pectedly, or move for any other reason at short notice,
17 which might be bad weather, ice and so on.

18 Q. You have spoken of an emergency.
19 What are we looking at there? Is that something that
20 happens often, or is that something quite rare?

21 A. Emergencies are not often there; they
22 are only rare, I am happy to say; but they do occur.
23 There are cases where a ship breaks away from the
24 dock due to ice moving in between the dock and the
25 ship. We have ships losing part or all of their
26 moorings due to a large vessel going by at high speed.
27 In such cases sometimes it happens that the Master of
28 the ship is on board and can avoid a disaster by
29 quickly dropping his anchor and getting back to the
30 dock on his own. If you would have a pilot on hand



1 Englishury that you could despatch to the s
2 right away that you could despatch to the ship I think
3 it would be an advantage.

4 THE CHAIRMAN: There may be a reaso
5 for this, because from correspondence I have seen the
6 Department of Transport is doing away with a similar
7 situation where this system existed at North Sydney.
8 There was an office there where the pilots on standby
9 were there. Now they have done away with this office,
10 and apparently the whole administration is going to
11 be transferred to Sydney and pilots are to be called
12 from home.

13 This is a change which is being done
14 now and is doing away with the reporting of the pilots
15 at the Pilots' Office.

16 I am not talking about any policy, but
17 this is just a change of the system from the pilots
18 reporting to the office to calling them from home.
19 There may be a reason -- I don't know. I am just
20 mentioning this so that we may have a reason.

21 MR. LANGLOIS: The same situation
22 obtains in Victoria, British Columbia. The pilots
23 are despatched from home.

24 THE WITNESS: I may add another
25 advantage is that if a pilot is in the office for at
26 least a certain time during each day, when he is on
27 call, which might be every day, or every other day,
28 depending on how many pilots there are, then he can
29 familiarize himself with the latest notices to mariners,
30 or as to changes in the harbour -- changes in buoys --



1 English

2 which he would not have if he is going straight
3 from home to the ship and back again.

4
5 CROSS-EXAMINATION BY MR. LALONDE:

6 Q. Do you know of any ports in the world
7 where a forty-mile trip would be called a movage?

8 A. No, I can't say I do.

9 Q. You referred to damages to ships being
10 made by river pilots, I think, in docking and undocking
11 ships. What evidence do you have in that regard as
12 to the instances of damages by river pilots compared
13 with harbour pilots while docking ships?

14 A. I did not say they were doing any
15 damages. I believe I said that the danger of having
16 accidents will be less if it is all done by a harbour
17 pilot who would be more qualified to do the docking
18 and undocking.

19 Q. This statement, then, is an opinion
20 that you are putting forward?

21 A. Yes, don't have any evidence

22 Q. You don't have an evidence?

23 A. We did have some evidence last July,
24 as you may recall, from Captain F. C. Oppen, Assistant
25 Port Manager, who told you of damages to harbour in-
26 stallations.

27 Q. Damages to harbour installations?

28 A. Yes.

29 Q. But my point is: Did you make an
30 analysis as to whether the cause of the accident was



1 English

2 because there was a river pilot on board or because
3 there was a harbour pilot on board, and the comparative
4 incidence?

5 A. No, we don't have any comparative
6 incidence.

7 Q. You also stated that obviously if you
8 had a greater distance you would have a greater workload
9 per trip; you would have further to travel. Is it a
10 fair assumption also that there would be fewer trips
11 per man per year?

12 A. That is correct.

13 Q. You referred to delays which have
14 occurred. Have you made any study as to the number
15 of instances where these delays have occurred?

16 A. I have not made a special study of these,
17 no, but I do know that they have occurred.

18 Q. Do you know how often they occurred?

19 A. I can't say. As I say, we did not
20 make a complete record of that.

21 MR. LALONDE: My lord, exhibits have
22 been produced before this Commission where I think those
23 instances are recorded. They were produced towards
24 the end of June as to delays in St. Lambert Lock.

25 Q. When do you give notice to a ship
26 that is going to be sent to Lanoraie instead of being
27 allowed to proceed to a shed?

28 A. When?

29 Q. Yes. Is that when the ship is in
30 Beauharnois, or do you wait until it is in the St. Lambert



1 English

2 Lock?

3 A. It depends. By law the ship is
4 required to take our traffic control system, but it
5 is only required to do so when it is actually leaving
6 the Seaway and entering the harbour; but in practicality,
7 of course, this is not good because by that time the
8 ship is there and you couldn't stop her even if you
9 wanted to; and in practice this is done at the time the
10 ship enters St. Lambert Lock. We sometimes have
11 previous warning when the ship has to get release
12 from Beauharnois.

13 Q. Do you know when ships are required
14 to call for pilots when they are proceeding down the
15 Seaway?

16 A. I believe "Ste. Catherine"; but I
17 am not sure about that point.

18 Q. But before they call for the pilot,
19 or at the same time, or at the same point in the Seaway,
20 the problem would be settled?

21 A. Only partly so; because the time
22 it takes for the ship to come from "Ste. Catherine"
23 to St. Lambert is three or four hours, in most cases,
24 and the situation could completely change in the harbour
25 in the meantime. I might have had room at the time he
26 asked for space and I may not have it when he arrives
27 at St. Lambert.

28

29

30



1 (English)

2 Q. You mean to say that you cannot give
3 them more than three hours?

4 A. No, in busy times we cannot; especially
5 not at the anchorage.

6 Q. The emergencies you referred to also
7 which would be helped by having pilots on stand-by in the
8 station; these pilots would be at the pilotage station
9 obviously?

10 A. Yes.

11 Q. Let us assume that these pilots would
12 remain at Sutherland Pier where they are now. Do you
13 think a pilot could come from Sutherland Pier to
14 Lanoraie or almost to Sorel according to your plan in
15 time faster by leaving from Sutherland Pier to get there
16 than from his home in the case of emergency?

17 A. In the case of emergency? I have first
18 of all in mind the emergencies right in the very harbour
19 here close to the where the station is at present,
20 because I cannot think of many or any emergency at all
21 at the anchorage at Lanoraie. It is the docks here I am
22 concerned about.

23 Q. Is it not a fact that in some instances
24 it might be faster for a pilot to leave from his home and
25 get to a dock if he lives in the area than leaving from
26 Sutherland Pier? It depends on the section where you
27 are in the harbour?

28 A. Not if it takes him at present one hour
29 to travel. I do not think we take one hour to travel
30 anywhere from one place in the harbour to another part of



1 (English)

2 the harbour - I mean, the berths area here between
3 Montreal East

4 Q. When you refer to an hour's travel ---

5 A. Apparently this is the time needed
6 at present for a pilot getting notice for travel to the
7 ship.

8 Q. Is it not a fact that in the case of
9 emergency the closest pilot available could be called to
10 meet the emergency?

11 A. This I could not say, because I do not
12 despatch pilots at the moment. It is entirely handled
13 by somebody else.

14 Q. You referred to a case where a ship had
15 all its lines broken by a fast-going ship passing along.
16 Do you think even if you had the pilots on the station
17 a pilot would be in a position to be on board the ship
18 in time to bring her back to dock?

19 A. We had a case in 1960 where the steam-
20 ship Polaris collided with the Federal Express, which
21 sank in mid-river. At the same time another Norwegian
22 ship was sheered off the dock and anchored in mid-stream
23 by dropping the hooks just right below Jacques Cartier
24 Bridge, a very dangerous spot. If we had had a pilot
25 on hand the ship could have been back probably within an
26 hour. In this case she stayed there for several hours.

27 Q. Do you know whether it was because there
28 was no pilot available?

29 A. No, I cannot say that, but I believe it
30 would be faster if we would have had one on hand.



1 (English)

2 Q. Have you made any survey of the delays
3 or the cost of delays in the departure of ships or
4 docking or undocking of ships in the harbour?

5 A. No, I have not made a special survey of
6 this.

7 Q. I think Mr. Beaudet referred yesterday
8 to the fact that river pilots would take longer to dock
9 certain ships than harbour pilots. Have you made any
10 survey of this? I think he passed the buck to you
11 finally.

12 A. There again we do not make a survey of
13 the distinction between a river pilot and a harbour
14 pilot. I would not like to say here and now that one
15 is better than the other, not at all. It might be the
16 other way round; I do not know.

17 But in my experience in the past - as I
18 mentioned, I have been a pilot myself in my younger days -
19 I know that handling a ship in a river and docking a
20 ship and undocking a ship are two entirely different
21 things. It depends a lot on the individual - and his
22 nerves I should say - how he docks and undocks a ship.

23 In my experience, as I mentioned again, the
24 person best suited to dock and undock a ship is a harbour
25 pilot because that is his trade. He is trained for it.
26 He apparently likes the job, otherwise he would not be
27 there. Whereas a river pilot in the first instance is
28 the pilot who brings the ship up and down the river and
29 then hands it over to be brought alongside to the
30 harbour pilot. This is the case in practically all



1 (English)

2 major ports.

3 May I add one other thing - that a river
4 pilot who has had a long stretch of standing on the
5 bridge and then at the end of the stretch he has to
6 bring the ship alongside, I can quite see that he is
7 tired, and then he gets the difficult part of his trip to
8 do.

9 Q. Is this something you would propose for
10 the Harbour of Quebec, for instance?

11 A. A separate harbour pilot for the
12 Harbour of Quebec?

13 Q. Let us say for ships coming up the
14 river from Les Escoumains?

15 A. To Quebec and handing the ship over to
16 a harbour pilot?

17 Q. Yes.

18 A. Yes, I would do.

19 Q. You said you were a harbour master in
20 Indonesia?

21 A. Yes.

22 Q. What harbours were these?

23 A. Surabaya on the eastern tip.

24 Q. Everybody knows of this port, yes.

25 A. Well, you should, it is a big navy
26 port - and Makassar.

27 Q. How many ships were calling?

28 A. In Surabaya?

29 Q. Yes.

30 A. I would say an average of twenty-five



1 (English)

2 a day.

3 Q. And the other harbour?

4 A. Makassar was a smaller port. In
5 Makassar, probably ten each day.

6 Q. And the first port you are referring to,
7 you said it is a big navy port?

8 A. That is correct. - many ships.

9 Q. This was a military port, I understand;
10 is that correct?

11 A. No, it was a merchant port but it was
12 a navy base as well and a dry dock.

13 Q. Did it come under the jurisdiction of
14 the Dutch Navy?

15 A. No, sir, it was under the Dutch, what
16 you might call Department of Transport.

17 Q. I notice that you would like to have
18 pilots on the spot especially for what you call the
19 harbour itself. Would you favour a changeover of
20 pilots at Quai Marienne?

21 A. No, I would not like that for the reason
22 that you might get a congestion of ships there waiting
23 for the pilotboat. There is no room to anchor.

24 Q. Where were you a pilot before?

25 A. In Surabaya.

26 Q. Were you a pilot at the same time as
27 you were a harbour master?

28 A. No; I was a pilot at first and then I
29 was promoted to harbour master shortly afterwards.

30 Q. Was there a river there or is it an open



1 (English)

2 bay?

3 A. It is open. We are between two islands
4 with quite a strong current in between.

5 Q. Yes, but it opens on the sea?

6 A. It opens right on the sea with a sort of
7 a narrow channel which is marked by buoys similar to the
8 river here.

9 Q. How far did you have to go to pick up
10 the ships then?

11 A. As a river pilot?

12 Q. Yes.- well, I would call this a harbour
13 pilot?

14 A. No, there was the double system there
15 too. The river pilot went out as far as eighteen miles
16 and brought the ship right on the roads before the
17 entrance to the harbour, where the harbour pilot took
18 over and took her into the harbour itself.

19 The entrance to the harbour was crosswise
20 on the current. That is why most ships anchored first
21 and then the harbour pilot took over and brought her
22 in.

23 Q. How wide was the channel at the entrance
24 to the harbour?

25 A. The entrance to the harbour was about
26 800 feet.

27 Q. Was this a practice followed in the
28 other harbour you referred to - that is, on having a
29 river pilot also to go and pick up the ship at sea?

30 A. Yes.



1 (English)

2 Q. You then had another pilot for doing the
3 docking inside the harbour?

4 A. That is correct.

5 Q. Was the river pilot under the juris-
6 diction of your harbour authority?

7 A. Right.

8 Q. Is it not a fact that this is a policy
9 which was followed outside of Holland itself by the
10 Dutch and not in Holland?

11 A. In Holland as well, sir, in Rotterdam.

12 Q. Did you check the system at the present
13 time at Amsterdam?

14 A. I checked it in Rotterdam, which is the
15 second largest port of the world. All harbour and
16 river pilots are under the harbour authority.

17 Q. When did you check last?

18 A. Two years ago.

19 Q. Did you check the situation in
20 Amsterdam?

21 A. No, I did not check it but I believe it
22 is the same.

23 Q. With your past experience what would you
24 say is a reasonable trip as far as distance is concerned
25 for a pilot in restricted waters? I am not talking
26 about coastal pilotage - river.

27 A. You mean, in hours of navigating?

28 Q. In distance.

29 A. The distance is, of course, hard to
30 say. It depends entirely how fast you can cover this



1 (English)

2 distance. I would say it depends more on time spent in
3 covering this distance - that is the important factor -
4 with one pilot on board.

5 Q. But as you know quite well the time
6 varies from ship to ship with the weather and all that.
7 You cannot make a general rule as to time itself?

8 A. No.

9 Q. Is it not the best way of doing it by
10 the mileage on the river in restricted waters like the
11 ones you had in Indonesia and the ones you have in
12 Holland and the ones you have here in the St. Lawrence
13 River, to make a comparison?

14 A. The distances are not very well
15 comparable because, as you know, the river in Rotterdam
16 is only about 35 miles as compared to the river here,
17 which is nearly 180 miles, I would say, to Quebec.
18 So out of necessity you have to travel further here than
19 you have to in Rotterdam. The river is not any longer.

20 In the Far East I have travelled on rivers
21 south of Sumatra which were only 90 miles, which you
22 would probably consider is not too far; but it took you
23 about 18 hours to cover this distance on account of the
24 strong current.

25 MR. BRISSET: With one pilot?

26 THE WITNESS: With one pilot.

27 MR. LALONDE: Q. Did you anchor?

28 A. We had to at night.

29 MR. LALONDE: Thank you.

30



1 (English)

2 CROSS-EXAMINATION BY MR. LANGLOIS:

3 Q. Yesterday, Mr. Ligtermoet, one of the
4 reasons given by Major Beaudet for recommending the
5 taking over of the despatching of pilots by the port
6 authority was to avoid a possibility of conflicts. Do
7 you agree with that statement?

8 A. The possibility of conflicts is probably
9 a bit strong. I would say the possibility in the
10 different ways of operating a ship between the harbour
11 pilot and the river pilot, which could lead to mis-
12 understandings while navigating both in the same area.

13 Q. Then if there is such a possibility for
14 the traffic moving through the Harbour of Montreal, would
15 the same not hold true of the traffic moving through
16 the Harbour of Three Rivers and the Harbour of Quebec?

17 A. At the moment I do not think they have
18 harbour pilots in Three Rivers or Quebec; but if in
19 future they might have these, this could easily lead to
20 the same thing.

21 Q. If I understood Mr. Beaudet's testimony
22 correctly, his recommendation had to do with traffic
23 control?

24 A. Yes.

25 Q. Would it not be advantageous to have the
26 same authority over pilotage as far as traffic control
27 is concerned for other ports in Montreal with the same
28 volume of traffic?

29

30



1 (English)

2 A. I didn't quite understand your question.

3 Q. Then let me put it this way. If it is
4 or if it would be advantageous to have the port
5 authority in Montreal have a greater measure of control
6 over traffic moving through the port by the despatching
7 of pilots being done through the Harbour Master, wouldn't
8 the same be true of another port such as Quebec for
9 ships leaving from that port?

10 A. In Quebec I believe the port is
11 different. You have basins there which we do not have
12 here. The main traffic passes more or less outside the
13 port although it is within the legal limits. It doesn't
14 really touch the port.

15 Q. You are no doubt aware, Captain, that
16 in Quebec there is a pilotage station where pilots have
17 relief?

18 A. Yes.

19 Q. If there is a possible conflict in the
20 traffic order in Montreal do you think the same will
21 hold still more true of Quebec on account of its exchange
22 of pilots?

23 A. That could be the case, sure.

24 Q. Would you mind, sir, telling us what
25 instructions or directions need be given to the pilots
26 by the Harbour Master in the Port of Montreal here for
27 ships either passing through the port or coming along-
28 side or leaving one of your docks?

29 A. At the moment you mean?

30 Q. Yes.



1 (English)

2 A. The present system we do not give pilots
3 any instructions or directions as we have no authority
4 over them. Our instructions are given to the ship's
5 master or the ship's agent.

6 Q. In order to ensure obtaining proper
7 traffic control in the Harbour of Montreal, do you have
8 to give directions to ships?

9 A. We do, yes.

10 Q. What are those directions?

11 A. The directions for traffic control are
12 of various kinds. Some of them are to direct ships to
13 anchorage. Other directions, if a ship requests
14 permission to leave a dock, to wait, or call back because
15 of traffic that the ship couldn't leave the dock,
16 congestion of traffic at the moment; vessels going in
17 and out of the Seaway. We have to relay there that
18 request for them entering or leaving the harbour and get
19 in touch with the Seaway authorities on the direct
20 telephone line and get permission from their despatcher
21 to let the ship in. All these messages we relay back
22 to the ship.

23 If there are vessels coming in which are not
24 sure of their berth, they request us for berthing
25 instructions which we also relay to the ship after we
26 get it from the ship's agent, and tell the ship where
27 to dock or if there are no specific instructions, to
28 anchor. Those are really all traffic instructions to
29 either slow down or wait or permission is given to leave
30 and tell them to sail at once.



1 (English)

2 Q. Then, if those are the only directions
3 given by the Harbour Master's office to ships, moving
4 within the harbour, what would be gained by these
5 directions being despatched and being done by the port
6 authority instead of by the pilotage authority? What
7 would be the additional security, how would it come
8 about?

9 A. I think it would be added security in
10 this respect, that the situation which we have now is
11 that a ship requests permission to sail and does not sail
12 until half an hour later, which is not according to the
13 by-laws. The Captain of the ship is supposed to leave
14 within fifteen minutes after he obtains permission to
15 sail or else requests permission again, which is often
16 overlooked and not done at all; because the master is
17 either not acquainted with this by-law and not advised
18 of it by the pilot.

19 However, the pilots are - all of them are
20 familiar with this by-law. It happens that they sail,
21 just sail half an hour later or not tell us. They sail
22 without even asking permission to sail which we can only
23 hold the vessel's master at the moment responsible for
24 because our by-laws only stipulate that the vessel
25 or master is to obtain this permission.

26 However, the pilots, who are completely
27 familiar with this by-law, are supposed to act as
28 advisers and let the master know of this by-law. If
29 they don't they have no responsibility towards me but if
30 I were to control them, I am sure these incidents would



1 (English)

2 not occur.

3 Q. I fail to see, Captain, how taking over
4 the despatching by the Port Authority would cure or
5 remedy such a situation if the masters of the ships do
6 not follow the orders or traffic regulations of the
7 harbour. How can this situation be changed by the
8 mere taking over of despatching by your Port Authority?

9 A. Not the mere despatching but I have in
10 mind authority over the pilots.

11 Q. The pilot is not in charge of the ship.
12 Would you like to change that around and make the pilot
13 responsible for the operation of the ship? It is the
14 master who is responsible for the ship.

15 A. The pilot acts as an adviser so if we
16 assume that the master is not completely familiar with
17 all the by-laws or of a certain by-law which he simply
18 cannot be, especially when travelling in all ports around
19 the world, the master cannot possibly know all the by-laws
20 pertaining to a certain harbour and this is one reason
21 they often employ pilots, to be advised by the pilot
22 about certain things.

23 That is one very serious by-law that we have,
24 that a ship is not to sail without acquiring permission.
25 In my opinion it is not enough adhered to. If I would
26 have authority over the pilots I could get those pilots
27 to strictly adhere to this by-law which authority to do
28 I do not have. I can only protest.

29 Q. Is it not a fact when you protest that
30 an investigation is made by the Pilotage Authority and



1 (English)

2 in some cases pilots have been disciplined in the past
3 for not having followed your regulations?

4 A. They have.

5 Q. Could not closer cooperation between the
6 Port Authority and the Pilotage Authority improve that
7 situation?

8 A. I could but it doesn't completely
9 eliminate it, to my mind.

10 Q. Are not agents now familiar with the
11 regulations of your ports so they can pass the information
12 along to their masters?

13 A. Yes, they are all familiar with it.

14 Q. Don't you think that more cooperation
15 in this direction by the ship agents would also improve
16 the situation?

17 A. We hope to do more of an improvement in
18 this and supply each ship with a copy of our by-laws.

19 Q. Then, Captain, if I understand you
20 correctly in this new system that you are proposing,
21 there would be no directions given to pilots as to how
22 they could do their job as a pilot but only in the
23 manner in which they should do it, at what time?

24 A. That is correct, as to how because the
25 pilot is handling the ship himself.

26 Q. In other words you don't want your
27 despatching officer or staff or Harbour Master's office
28 to tell the pilots how to do their job?

29 A. Absolutely not.

30 Q. So there will be no improvement in that



1 (English)

2 direction even if you do the despatching and no more
3 qualification as a pilot through such an organization?

4 A. No. We couldn't handle traffic through
5 the office.

6 Q. So if I understand you correctly your
7 suggestion would tend only to improve the movement of
8 traffic and make it a bit speedier, if possible?

9 A. Yes, prevent delays in the first place
10 and safer.

11 Q. But this will not erase or cause to
12 disappear the present delays due to the ship personnel,
13 a ship not being ready to sail when it should be going?

14 A. No, that has no bearing on it.

15 Q. Did you have any knowledge of the events
16 that led to the collision in the harbour this fall
17 between the Manchester Merchant and the Lionel?

18 A. Yes, I am familiar with this.

19 Q. Has it been brought to your attention
20 in this case the Manchester Merchant was delayed from
21 leaving her dock because her lines were frozen?

22 A. This I learned afterwards, yes.

23 Q. This situation would not have been
24 changed by a pilot having been under your authority?

25 A. I think it would in that case. The
26 pilot would have made sure to call us and let us know
27 about it but he didn't in this case.

28 Q. Do you think the pilot then should take
29 over the running of the ship? It comes back to that.

30 A. He should notify the Harbour Master's



1 (English)

2 office of any particular delay.

3 Q. Do you know the master of the Manchester
4 Merchant had been calling at Montreal for the last thirty
5 years and he should have known the port regulations?

6 MR. BRISSET: I object to this question, My
7 Lord. It is a statement of fact. The reverse is in
8 fact true.

9 MR. LANGLOIS: Q. Anyway, let me put it
10 this way: he was not a new-comer to the port?

11 A. He was not.

12 Q. Now, Captain, would you mind telling
13 us which in your mind is the more important; is it
14 the taking over of the operation of pilotage by the
15 Port Authority or the obtaining of trained docking
16 masters which is more important to you?

17 A. I think the two should go together.

18 Q. The two should go together?

19 A. Yes, because you still have - no matter
20 how well trained a harbour pilot you have, you still
21 would have the other pilot coming in the harbour and it
22 wouldn't change the situation at all.

23 Q. Do you attach more importance to
24 obtaining trained masters as pilots?

25 A. Naturally.

26 Q. In that direction was not improvement
27 obtained by the establishment of docking pilots some
28 six years ago approximately?

29 A. To a certain extent, sure.

30 Q. Is it not a fact that by extending the



1 (English)

2 field of operation of the docking pilots to say Sorel
3 this will tend to go back to the old system in some
4 degree?

5 A. In a certain degree it will be an extra
6 load on the harbour pilot, yes, but it would not revert
7 to the old system, only by half.

8 Q. Is it not a fact - I don't know if your
9 studies of the operation of pilotage on the St. Lawrence
10 has gone so far as to investigate the time consumed by
11 a pilot taking a ship from Montreal to the Lanoraie
12 anchorage as compared to a pilot taking a ship from
13 Montreal to Three Rivers?

14 A. Well, I would say the difference is an
15 average of three hours.

16 Q. Is it your knowledge that a pilot who
17 takes a ship to Lanoraie as compared to a pilot who
18 takes a ship down to Three Rivers, is away from his place
19 of duty about twice as long as the other; for the simple
20 reason that when the pilot has landed in Lanoraie he has
21 to go back to Montreal and therefore is away from his
22 place of duty and is not available for a longer period
23 of time than the one who goes down to Three Rivers and
24 is available for pilotage services as soon as he gets
25 there?

26 A. The one who goes to Lanoraie, if we had
27 the new set-up, would be available at Lanoraie to take
28 another ship up.

29 Q. Provided there is a ship to be taken
30 up?



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1 (English)

2 A. There are thirty or forty each day.

3 THE CHAIRMAN: I think we shall adjourn now
4 until a quarter to three and you can pursue that line
5 of thinking after lunch.

6 ---LUNCHEON ADJOURNMENT.

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1 (English)

2 CROSS-EXAMINATION BY MR. LANGLOIS (Continued):

3 Q. Captain Ligtermoet, at the noon adjourn-
4 ment you gave me an answer to a question regarding the
5 time consumed by a pilot who was called upon to take a
6 vessel from Montreal to the Lanoraie anchorage. Your
7 answer to my question when I asked you if would not in
8 fact it take longer for a pilot to take a ship down to
9 Lanoraie and be back at the station at Montreal than it
10 would take a pilot to take a ship from Montreal to
11 Three Rivers - your answer was that under the new system
12 this could be corrected. This pilot who was left at
13 Lanoraie could take another ship up. Would you mind
14 explaining how this can be done?

15 A. In the same way it is probably done at
16 Three Rivers. If a pilot goes down with one ship to
17 the harbour limits then he waits for another ship to
18 take it back up again.

19 Q. Would not this necessitate the establish-
20 ment of a pilotage station at the Lanoraie anchorage?

21 A. Yes.

22 Q. Or close by?

23 A. Yes.

24 Q. That would be an additional station?

25 A. No, it could be a movement of a station
26 from say Three Rivers up to Sorel.

27 Q. What prevents the same thing being
28 done just now under the present system?

29 A. I don't think anything does prevent it.
30 I have not gone into this.



1 (English)

2 Q. It could be done just the same now as
3 it could be done under the proposed system?

4 A. If there was any reason for it, yes.

5 Q. Did you say something?

6 A. I would say if there is a valid reason
7 for it, yes.

8 Q. Now, yesterday Major Beaudet said that
9 he was expressing his personal views that he was in
10 favour of the proposed taking over of the pilotage by the
11 Port Authority provided the cost was not too high.
12 Would you tell me if in your study of the problem you
13 have gotten some calculation as to the possible cost of
14 such a system?

15 A. You mentioned there in my study. I
16 haven't studied this at all. I am only supporting or
17 expressing a view on this, if this would be the case so
18 there is no extensive study being done by me on this
19 problem.

20 Q. I understood - I was under the wrong
21 impression apparently - that you had made an extensive
22 study?

23 A. No, I have not.

24 Q. You just mentioned the word "advantages".

25 MR. JACQUES: If you don't mind, My Lord,
26 may I make a remark at this stage? My friends are
27 constantly referring to the proposal to create or re-
28 organize the harbour ports in the National Harbours
29 Board as being a proposal of the Board.

30 MR. LANGLOIS: No, no, a personal view.



1 (English)

2 MR. JACQUES: I wish to point out this subject
3 was introduced by the Shipping Federation and not by us.

4 THE CHAIRMAN: As a possible thing?

5 MR. JACQUES: Yes.

6 MR. LANGLOIS: I never suggested, My Lord,
7 it was a proposal of the Board. It was made quite clear
8 yesterday by Mr. Beaudet himself.

9 Q. You just mentioned, Captain, the
10 advantages. As in any system there must be also dis-
11 advantages to the proposal of the Shipping Federation.
12 Would you care to enumerate a few of them?

13 A. Well, I can see a few disadvantages for
14 whoever takes care of this. It might possibly be
15 myself. It would mean an extra workload and a lot of
16 extra responsibilities but maybe, maybe not. We don't
17 know as I didn't make a study of it, maybe there would
18 be extra costs involved.

19 COMMISSIONER SMITH: But disadvantages to
20 the service.

21 THE WITNESS: No, I don't see any dis-
22 advantages to the service.

23 MR. LANGLOIS: Q. Is it not a fact that
24 presently your staff for traffic control is already under
25 quite a burden for the work it has to do presently?

26 A. This is the traffic control staff,
27 yes, but they wouldn't be burdened any more by this
28 because there would be a separate despatching unit.
29 As I say we would probably need extra staff to do the
30 despatching of the pilots. The traffic control officer



1 (English)

2 will be there still for handling the traffic alone.

3 Q. There is no doubt that taking over of
4 the pilots would add to the burden of the workload of
5 your personnel?

6 A. That is true.

7 Q. This morning you suggested, to my mind
8 rightly so, it could happen that a pilot who has taken a
9 ship from Three Rivers to Montreal might show signs of
10 being tired when he gets to Montreal and might not have
11 all the alertness necessary to handle the ship. Would
12 not the same situation obtain with the master of a
13 coastal vessel or a laker who would have been on the
14 bridge all the time also from Three Rivers to Montreal
15 on account of adverse weather conditions; would he not
16 also require a docking pilot?

17 A. That depends. I don't think that a
18 master of a vessel or laker is on the bridge at all times.
19 He probably takes a few hours sleep while the mate takes
20 care of the ship.

21 Q. I prefaced my question "under adverse
22 weather conditions".

23 A. If under adverse weather conditions I
24 think he should be tired by the end of his trip, he
25 probably would not dock at all, go to anchor instead.

26 Q. Your master of such a ship may also be
27 as much in need of having to dock as the river pilot that
28 brings the ship up-river to Montreal?

29 A. Under adverse conditions, yes.

30 Q. Would you therefore recommend that this



1 (English)

2 system be extended in this way that it be made compulsory
3 for all types of ships, coastal vessels or lakers?

4 A. You mean a compulsory docking pilot?

5 Q. Yes.

6 A. No, I don't see any need for that.

7 Q. Does not the same element of safety
8 obtain in this case as in the case of any other type of
9 vessel?

10 A. I think that masters of coastal or
11 inland Canadian vessels who ply these places, the river
12 and this harbour continuously, know very much about local
13 conditions and the docking conditions and they probably
14 know better how to handle the ship than anyone else so
15 I can't see any advantage in making pilotage compulsory.
16 If, however, as you say, adverse weather conditions
17 exist and he has been on the bridge for twelve or more
18 hours then you are probably right.

19 Q. Would you be prepared to say then this
20 master of such a vessel would have more experience than
21 river pilots between Montreal and Three Rivers?

22 A. There are quite a few, yes, that have
23 been for years and years on their ships.

24 Q. Do you mean they will come more
25 frequently than river pilots to Montreal?

26 A. It depends. You can have a river pilot
27 who has been there for a year or two. You may have a
28 master who has been here twenty-five years on the river.

29 Q. You may have a master who has been on
30 the job for the first year also?



1 (English)

2 A. Yes. I didn't say all masters.

3 Q. Generally speaking, in practice is it
4 not a fact that the river pilots would have much more
5 experience than the ordinary coastal vessel master?

6 A. In theory, yes.

7 Q. There was a question this morning of
8 delays in complying with directives by the Harbour
9 Master's office. If I were to suggest to you, Captain,
10 that the delay, for example, in casting off because a
11 ship is not ready when she is supposed to go, whether it
12 be on account of lines being frozen or for any other
13 condition, could not this delay be avoided by suggesting
14 or by making it a regulation that the ship should first
15 single up before requesting permission to cast off from
16 the Harbour Master's office?

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1 (English)

2 A. The by-law, as it stands now, reads that
3 permission to leave has been asked within fifteen minutes
4 of actual sailing; so that requests should not be made
5 if the ship cannot be ready to cast off within fifteen
6 minutes.

7 Q. But wouldn't you be prepared to say
8 that if the ship had been required, before making the
9 request for permission to leave, to first single-up and
10 to report the singling-up that you would avoid the delay?

11 A. I stand to reason that this will
12 shorten the time for leaving the dock.

13 Q. So there is a possibility of probably
14 improving the present traffic movement - the movement of
15 ships in the harbour - with a little bit more cooperation
16 between the ships, the agents and everybody concerned?

17 A. There is place for improvement, yes.

18 Q. And that the situation could be
19 improved, without having to resort to the new system of
20 pilotage which has been suggested?

21 A. Sure; it can be improved on.

22 MR. LANGLOIS: Thank you very much, Captain.

23 MR. LALONDE: Have you ever sailed on the
24 St. Lawrence River?

25 THE WITNESS: No, I have not as a master of a
26 ship,

27 MR. LALONDE: Or as an officer?

28 THE WITNESS: No; only as a passenger.

29 MR. J.M. JACQUES: Captain, you were
30 expressing opinions during the course of your evidence.



1 (English)

2 Do I understand that these are your personal opinions,
3 aren't they?

4 THE WITNESS: Yes, they are.

5 THE CHAIRMAN: I think, in order to clarify
6 the situation, I would like to try to sort out the
7 principles.

8 Your main concern in your proposal is for
9 more efficient traffic control - that is for the safety
10 of the harbour?

11 THE WITNESS: Yes.

12 THE CHAIRMAN: This is your main concern?

13 THE WITNESS: My main concern is the safety
14 and despatch.

15 THE CHAIRMAN: Yes; but despatching is
16 there only as a means for security?

17 THE WITNESS: Yes.

18 THE CHAIRMAN: So therefore the proposal is
19 two-fold. First, that all piloting in the harbour be
20 effected by harbour pilots?

21 THE WITNESS: Yes.

22 THE CHAIRMAN: And, secondly, that the
23 directions of those pilots be given to you or to the
24 person responsible for traffic control?

25 THE WITNESS: Yes.

26 THE CHAIRMAN: So therefore it is not
27 essential, is it, that that jurisdiction be extended to
28 the full legal limits of the harbour?

29 THE WITNESS: No; in the way - well, I would
30 like to say that this would benefit by having only the



1 (English)

2 harbour pilots, or the pilots which are under the juris-
3 diction of the harbour authority, in the harbour
4 territory.

5 THE CHAIRMAN: That is what I mean - in the
6 harbour territory.

7 THE WITNESS: Within the harbour limits.

8 THE CHAIRMAN: But isn't your main interest
9 in traffic control from Longue Pointe up?

10 THE WITNESS: This is the most difficult
11 part; but we have an interest right up to the harbour
12 limits.

13 THE CHAIRMAN: A legal interest; but I am
14 meaning the practical.

15 THE WITNESS: The practical is right up to
16 Cap St. Michel, I would say.

17 MR. BRISSET: When you were using the word
18 "despatch" were you thinking of the operation of
19 despatching, or meaning "expedite"?

20 THE WITNESS: Expedite.

21 THE CHAIRMAN: I see.

22 Are there any further questions?

23 MR. LALONDE: I would only wish to offer, on
24 behalf of the Montreal pilots, their thanks for the
25 cooperation which you have shown with regard to informing
26 them and consulting them about improvements in the
27 Harbour of Montreal, and especially in connection with
28 the various changes connected with the World's Fair and
29 the Mitchell Bridge. They have appreciated
30 the opportunity of speaking to you and expressing their



1 (English)

2 views and also knowing from you what developments and
3 changes are proposed for the accomplishment of their
4 duties.

5 THE WITNESS: Thank you.

6 MR. LANGLOIS: And, Captain, may I add to
7 that the comments of the ship operators who have
8 appreciated the tremendous improvements that have been
9 made in the Harbour of Montreal in recent years.

10 THE WITNESS: Thank you kindly.

11 THE CHAIRMAN: Are there any further
12 questions.

13 Thank you, Captain.

14
15 NORMAN E. REES-POTTER, sworn

16
17 DIRECT EXAMINATION BY MR. BRISSET:

18 Q. Captain, will you state your full name

19 A. Norman E. Rees-Potter.

20 Q. Will you tell us what licence you hold?

21 A. I have been a master-mariner since 1936.

22 Q. And what certificate do you hold?

23 A. Master-mariner's.

24 Q. Issued when and by what authority?

25 A. The British Board of Trade, 1936.

26 Q. And how long have you been in command of
27 vessels as a master?

28 A. Two years.

29 Q. And how long had you been to sea before
30 that?



1 (English)

2 A. Prior to becoming a master?

3 Q. Yes.

4 A. Seventeen years.

5 Q. In various capacities?

6 A. Yes.

7 Q. Third, second and first officer?

8 A. Yes.

9 Q. With what company are you connected at
10 the present time?

11 A. The Cunard Steamship Company.

12 Q. And what are your functions?

13 A. I am Marine Superintendent for Canada.

14 Q. And for how long have you had this
15 post?

16 A. Since 1960 - September.

17 Q. And how long have you been in the employ-
18 ment of Cunard Steamship Company?

19 A. Since 1938.

20 Q. And stationed in Montreal since when?

21 A. Since December 1957.

22 Q. Now, Captain, although I think everybody
23 knows the Cunard Steamship Company, will you give us a
24 brief outline of what services they have in the St.
25 Lawrence River?

26 A. We have both passenger and freight
27 services and have had over many years. We also manage,
28 on this side of the ocean, the Donaldson Line from the
29 United Kingdom to Canada.

30 Q. And these vessels are engaged in both



1 (English)

2 passenger trade and general cargo trade?

3 A. Yes.

4 Q. Do the vessels which are in your service
5 call at the Port of Quebec?

6 A. Oh, yes, quite frequently.

7 Q. In relation to the traffic in the Port
8 of Quebec what would you say as regards the volume of the
9 vessels in your service calling at that particular port?

10 A. In 1963 we had approximately 42 calls
11 at Quebec westbound and 10 calls eastbound.

12 Q. And has that been the average over the
13 last few years?

14 A. I don't know what the average would be;
15 probably less in previous years.

16 Q. And would that include calls by
17 passenger vessels and ordinary cargo vessels?

18 A. About 25 out of the 42 calls would be
19 passenger vessels, so far as I know.

20 Q. Now, as you are aware, the pilots in
21 the pilotage district of Quebec have recommended before
22 this Commission that in respect of ships coming up-river
23 and docking at Quebec they should be provided with a
24 docking pilot for that purpose. Will you tell us, as
25 one of the important operators in this harbour at
26 Quebec, whether your company would favour such a system?

27 A. I think this would depend on certain
28 conditions.

29 Q. Yes.

30 A. The cost involved and whether or not we



1 (English)

2 could expect such pilots to handle the ships at any state
3 of the tides, or, given normal weather conditions, whether
4 they would dock at any time of the day or night.

5 Q. In other words, if certain conditions
6 were met - and we shall review those later on - you would
7 be, therefore, in favour of the establishment of a
8 docking pilot system in Quebec?

9 A. I think so, yes.

10 Q. Now, would that apply also to the
11 docking of ships in Quebec when they are coming from
12 up-river - that is when they are coming from Montreal?

13 A. I think more so.

14 Q. Yes.

15 A. More so.

16 Q. More so?

17 A. Yes.

18 Q. As regards ships coming from both
19 directions, and assuming certain conditions are met, you
20 would favour docking pilots in Quebec?

21 A. Subject to these certain conditions, yes.

22 Q. I would like now to review the conditions
23 that you have in mind. Will you tell us what, in your
24 opinion, would be the most important condition that you
25 would like to see met for this service to operate to your
26 satisfaction?

27 A. Well, I think even more important than
28 the monetary consideration is the question of despatch;
29 in other words, the ability of the pilot to dock the
30 ships at any time of the day or night upon arrival,



1 (English)

2 without any costly delays lying out in the river at
3 anchor waiting for suitable conditions to dock.

4 Q. In other words, if I have construed your
5 answer properly, you would like to have, as docking
6 pilots in Quebec, specialised pilots having the special
7 qualities required for this particular job?

8 A. Oh, I would say this would be one of the
9 most important conditions, as I mentioned.

10 There is no point in having tour de role
11 pilots from the river, who are filling in as dock pilots.
12 We need a man to dock a ship, who has a little bit of
13 experience of coming to a wall, or going off a wall than
14 the normal river pilot is likely to have - a man with far
15 more experience of this particular phase of the operation.

16 Q. Now, when you say you would like to have
17 specialised pilots rather than tour de role pilots ...

18 A. I mean men who are specialised in the
19 docking and undocking and whose job is confined by that
20 particular operation; not men who are on the river on
21 the tour de role and filling in on docking and undocking
22 if and when required and then going back on the river
23 again.

24 Q. As you may be aware there are in the
25 Quebec district - and that is the lower river district a
26 body of river pilots totalling in 1962 77 active pilots,
27 and in the Montreal river district - that is, between
28 Montreal and Quebec, but serving only in the section
29 between Three Rivers and Quebec - 123, but I am not able
30 to tell you how many of these 123 are active in the whole



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1 (English)

2 district - are actually serving in the section between
3 Three Rivers and Quebec...

4 MR. LALONDE: I am informed there are 58.

5 MR. BRISSET: Well, 58.

6 Q. When you say you wouldn't want tour de
7 role pilots to serve as docking pilots, do I take it
8 you would not want the 77 pilots in the lower section and
9 the 58 in the upper section as docking pilots?

10 A. Not if they are performing both
11 functions. But I don't mean that the docking pilots
12 necessarily should not be of that number, if they are
13 extracted from those particular operations and experience
14 training for the docking and undocking only.

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1 (English)

2 Q. As a second condition, Mr. Rees-Potter,
3 you have mentioned the question of costs. Would you
4 elaborate on this point and tell us what you have in
5 mind?

6 A. We presently pay for a certain operation
7 on the part of the pilot. For instance from Escoumains
8 to Quebec if the ship is terminating at Quebec or calling
9 at Quebec, part of the pilot's duties for the money
10 which is paid we presume is to take the ship right to
11 her berth. This includes the river and the docking.
12 If however we are to have a second pilot to take part of
13 those duties away from the first pilot, I do not think
14 we should have to pay an additional fee; it should be a
15 split between the two pilots of the existing fee.

16 Q. In other words, what you are driving at
17 is some adjustment in the tariff to compensate for the
18 loss of service that you are presently getting from the
19 river pilots?

20 A. That is right.

21 Q. You appreciate, do you not, that it may
22 not exactly break even?

23 A. I do not think we would be very fussy
24 about that as long as it was a reasonable adjustment.

25 Q. You appreciate, of course, that the
26 relief of the river pilot on a ship coming to dock into
27 Quebec by a docking pilot would entail an expense with
28 respect to the boat service?

29 A. Yes.

30 Q. That you would accept as a charge against



1 (English)

2 the ship?

3 A. It is a nominal charge. Yes, I think so.

4 Q. The reason given by the lower river
5 pilots to support their recommendation is that after
6 a trip which may last from Les Escoumains to Quebec any-
7 where between seven or ten hours ---

8 MR. LALONDE: About three days.

9 MR. BRISSET: Q. About three days; they are
10 likely to be tired and not in the alert condition that is
11 required to effect the sometimes difficult job of docking
12 a ship. Do you agree with this? Do you see merit in
13 it?

14 A. This could be the case, yes.

15 Q. You agree with this. Would that in
16 your opinion apply also the other pilot taking a ship
17 down from Three Rivers to Quebec?

18 A. No, I do not think it would. It is a
19 vastly different period of time involved. It would
20 depend a great deal on what type of ship was being
21 handled and how long it took to make the trip.

22 Q. But nevertheless in spite of the fact
23 that you do not find the same strong argument as for the
24 other pilots you would be in favour of docking pilots
25 also taking the ship into Quebec on her way down-river
26 from Three Rivers?

27 A. Yes, because I think there is an element
28 of safety involved.

29 Q. You have spoken also of time lost
30 because the river pilot taking the ship down from Three



1 (English)

2 Rivers to Quebec will not under certain conditions
3 dock the ship. Would you have that in mind also in the
4 recommendation that you are making to the Commission?

5 A. This is what I had in mind when I said
6 that the down-river Three Rivers-Quebec even more so than
7 the Escoumains-Quebec, because it seems in the past - and
8 I am not quoting from experience, but from hearsay ---

9 Q. That is, reports you have had from your
10 Quebec office?

11 A. Partly and from various other sources -
12 that this is where delays do occur going down-river rather
13 than coming up-river.

14 Q. In other words, some down-river pilots
15 will not dock the ship under circumstances in which you
16 feel that an experienced and specialised docking pilot
17 will do it?

18 A. Yes, this would appear to be so.

19 Q. That is the type of delay which you seek
20 to avoid?

21 A. Yes.

22

23 CROSS-EXAMINATION BY MR. LALONDE:

24 Q. As regards the question which was asked
25 about additional expense with regard to boatmen if there
26 were docking pilots at Quebec Harbour, is it not a fact
27 that this type of service as far as transporting the
28 pilot is concerned could be done by the tugboats which
29 are going to the ship anyway in most cases? As a
30 matter of fact I understand this is the present practice



1 (English)

2 at the present time, is it not, that tugs go out to the
3 ships which want to dock in Quebec City?

4 A. Tugs go out to the ships in Quebec City,
5 yes.

6 Q. And the docking pilot could go at the
7 same time with the tug and board the ship? You would
8 not need in such a case another boat to take the pilot
9 to the ship?

10 A. Well, this is a question of arrangement.
11 The tugboat company might well make an additional charge
12 because it entails going alongside the ship to put the
13 pilot on board.

14 MR. BRISSET: And when the ship is not using
15 a tug, of course, there would have to be the pilotboat?

16 THE WITNESS: Yes, that is right.

17 MR. LALONDE: Q. Do you know how often
18 your ships do not use tugs in Quebec City?

19 A. I think we use tugs without exception
20 on every occasion.

21 Q. You said ships might incur delays down-
22 bound and you state this on hearsay. Did you ever check
23 into this matter yourself?

24 A. It has never affected my company to my
25 knowledge and I have not checked, no.

26 COMMISSIONER SMITH: Captain, I would like to
27 ask you a question. You have had over 25 years'
28 experience as a master-mariner. Which do you consider
29 of the most importance in connection with the operation
30 of shipping - speaking now of confined or restricted



1 (English)

2 waters - is pilotage the prime factor or is it convenience
3 in the operation of the ship?

4 THE WITNESS: I am not quite sure I under-
5 stand, sir.

6 MR. LALONDE: I think you meant safety, Mr.
7 Smith.

8 COMMISSIONER SMITH: Safety.

9 THE WITNESS: Is safety or pilotage the prime
10 concern?

11 MR. BRISSET: No - safety or convenience;
12 despatch in other words.

13 THE WITNESS: Pilotage in respect to despatch?
14 I am sorry to be so dumb.

15 COMMISSIONER SMITH: That is all right.
16 I am not properly expressing it. But there has been
17 some evidence given recently - yesterday, I think - by
18 witnesses that in their judgment the safety of the ship is
19 more important than convenience, or convenience is more
20 important than pilotage.

21 MR. LALONDE: Than safety.

22 THE WITNESS: I think we have pilots on board
23 the ship primarily from the point of view of safety - if
24 this is what you mean, sir.

25 COMMISSIONER SMITH: Yes. In your judgment
26 that is more important than convenience or perhaps
27 necessity?

28 THE WITNESS: I think the safety is of
29 primary importance, the safety of the vessel.

30 COMMISSIONER SMITH: Thank you.



1 (English)

2 EXAMINATION BY MR. JACQUES:

3 Q. Has your company made any ruling with
4 respect to the employment of pilots in pilotage waters?

5 A. With respect to the St. Lawrence River?

6 Q. Yes, particularly the St. Lawrence
7 River.

8 A. No, this is unnecessary. Pilotage is
9 compulsory, or at least the payment of dues is. We
10 therefore take a pilot. There is no company ruling on
11 this specific point in the St. Lawrence River.

12 Q. Is that the reason why you employ
13 pilots, just because you have to pay for it in any case?

14 A. Not necessarily.

15 Q. What is the basic reason for your
16 employment of pilots?

17 A. The safety of the ship.

18 Q. The safety of the ship?

19 A. Yes.

20 MR. JACQUES: Thank you.

21 THE CHAIRMAN: You were talking about the
22 Quebec Harbour. Are you concerned with the Quebec
23 Harbour as a whole or certain piers only?

24 THE WITNESS: With respect to the docking and
25 the undocking?

26 THE CHAIRMAN: That is right.

27 THE WITNESS: I would say the whole harbour,
28 principally the inside piers.

29 THE CHAIRMAN: In the St. Lawrence River?

30 THE WITNESS: That is right.



1 (English)

2 THE CHAIRMAN: Are there any further questions
3 of Captain Rees-Potter?

4 Thank you very much, Captain.

5 (The witness withdrew.)

6
7 LLOYD GILBERT FRENCH, sworn

8
9 DIRECT EXAMINATION BY MR. BRISSET:

10 Q. Will you give your full name, please,
11 sir?

12 A. Lloyd Gilbert French.

13 Q. What company are you connected with,
14 Mr. French?

15 A. Federal Commerce and Navigation Company
16 Limited.

17 Q. Would you give us a brief outline of
18 what the activities of Federal Commerce are?

19 A. We operate basically a world-wide
20 tramping service with concentration in the Great Lakes -
21 St. Lawrence area during the season.

22 Q. Your company is a Canadian company having
23 its head office in Montreal, I take it?

24 A. Head office is Toronto, sir.

25 Q. In Toronto?

26 A. Yes, sir.

27 Q. You have an office in Montreal?

28 A. Yes, sir.

29 Q. You stated that you were engaged in
30 world-wide trade. Does your trade involve both general



1 (English)

2 cargo and bulk cargoes or just one or the other?

3 A. It is mainly bulk, but we do have a
4 west service running from the continent to the Great
5 Lakes with general cargo during the season.

6 Q. When you speak of bulk cargo would you
7 give us an illustration of what these bulk cargoes that
8 you are moving are?

9 A. From the Great Lakes it is mainly wheat
10 and scrap. Inward it would be various ores. This
11 would be the main bulk cargo inward.

12 Q. Are you also engaged in coastal trade?
13 By "coastal" I mean trading between one port in Canada
14 to another port in Canada?

15 A. On a regular basis?

16 Q. On a regular basis.

17 A. No, sir.

18 Q. You are not?

19 A. No, sir.

20 MR. LANGLOIS: Do you include your Arctic
21 operation in the summer, the Eastern Arctic?

22 THE WITNESS: I am sorry, yes. I had
23 forgotten.

24 MR. BRISSET: Q. So you may have occasion-
25 ally in your operation a coastal voyage?

26 A. Yes, we do occasionally.

27 Q. That would be what my learned friend
28 has mentioned - a voyage to the Arctic during the short
29 season that can be done?

30 A. Right.



1 (English)

2 Q. In order to service your operations
3 could you give us an idea of the size of your fleet, say,
4 over the last three or four years?

5 A. It varies over the season, but it would
6 average, I would think, 25 vessels.

7 Q. So you would always have on the average
8 25 vessels in your service?

9 A. Right, sir.

10 Q. Can you give us an idea of the range
11 of the tonnage of the vessels serving in the bulk trade
12 operations?

13 A. The fleet varies as it is mainly a
14 time chartered fleet, but I think they vary between
15 7,500 and 20,000 tons.

16 Q. When you say 7,500 to 20,000 tons am
17 I right in understanding that you are speaking here of
18 dead weight tonnage?

19 A. Yes, sir.

20 Q. In other words, the carrying capacity
21 of a vessel?

22 A. Yes.

23 Q. You have said that your fleet is mainly
24 a time chartered fleet. Will you tell us whether your
25 company does own any ships in its own right at the present
26 time?

27 A. Yes.

28 Q. How many?

29 A. We have one Canadian flag ship, the
30 Federal Pioneer.



1 (English)

2 Q. Was that the only one your had, say,
3 last year too? How many have you owned, say, over the
4 last three years?

5 A. We owned Federal Voyager. I forget
6 when we sold her.

7 Q. You also owned the Federal Express that
8 was sunk in 1960 in the harbour?

9 A. Yes. Federal Commerce also owns a
10 tug, the Federal Beaver.

11 MR. JACQUES: Forgive me for interrupting,
12 but are they Canadian built?

13 THE WITNESS: The Pioneer, yes; the Federal
14 Beaver, yes. The Voyager was Canadian built too.

15 MR. BRISSET: Q. All the others are
16 chartered vessels?

17 A. Yes.

18 Q. Generally under what form of charter
19 party do you negotiate your fixture?

20 A. The New York Produce Exchange, 1946.

21 Q. The ships in your service are time
22 chartered under the New York Produce Exchange form of
23 time charter party?

24 A. Yes, sir.

25 Q. I take it that when fixtures are
26 negotiated the specific terms are then negotiated on the
27 basis of the general form?

28 A. Yes, sir.

29 Q. Is that the procedure?

30 A. Yes, sir.



1 (English)

2 Q. Under this form as you finally adopt it
3 to close a fixture who pays for pilotage; is it the
4 charterer or the owner?

5 A. The charterer.

6 Q. Your company?

7 A. Yes, sir.

8 Q. Of all the ships that you operate, which
9 you said average 25 or thereabouts, are all these ships
10 going into the lakes? I just want to have an idea of
11 the scope of your lake operations, whether it is the
12 major portion of your ships or all of them or simply a
13 few?

14 A. It is the major portion; I would think
15 not all of them but the major portion do go into the
16 lakes.

17 Q. In other words, the major portion of
18 your fleet utilizes the St. Lawrence River route and the
19 Seaway?

20 A. Yes, sir.

21 Q. When you say that you operate world-
22 wide, can you give us nevertheless an indication of where
23 the majority of your export and import cargo either
24 originate or go to? In other words is it to Europe,
25 Africa - what part of the world mainly?

26 A. The bulk of it would go to Europe.

27 Q. The continent and the United Kingdom?

28 A. Right.

29 Q. Have you prepared at our request a
30 statement showing the total pilotage costs which have



1 (English)

2 been incurred by your company on owned or time chartered
3 vessels for the years 1961 up to 1962 and 1963 - up to
4 October 31st 1963 or the end of 1963?

5 A. Yes, October, 1963.

6 Q. October. You have not been able to go
7 further than October 31st 1963?

8 A. No.

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1 (English)

2 Q. Before I ask you to file this statement,
3 will you tell us whether you also do agency work for
4 vessels other than the ones you actually operate?

5 A. A very very small portion of our business
6 is agency work.

7 Q. Have you prepared also, I take it you
8 have, a statement showing pilotage costs that have been
9 paid in respect of your agency vessels?

10 A. Yes, sir.

11 Q. Have you this statement with you?

12 A. No, I am afraid I do not.

13 Q. Is it in the back?

14 A. I have a copy. I don't think I brought
15 it with me.

16 Q. Will you tell us what was the total
17 amount that was paid for pilotage in the year 1961 in
18 respect of your own vessels?

19 A. \$167,400.

20 MR. LANGLOIS:- Would there be a spare copy
21 available?

22 MR. BRISSET: Yes.

23 Q. In 1962?

24 A. \$237,300.

25 Q. And in 1963 up to the 31st October?

26 A. \$134,200.

27 MR. LANGLOIS: Will you say that again please?

28 THE WITNESS: \$134,200.

29 MR. BRISSET: Q. I see from your statement
30 and the figures you have given us in 1962 there was a



1 (English)

2 much larger sum than the previous year. What accounts
3 for that?

4 A. This was an increased activity into the
5 Lakes.

6 Q. Increased activity?

7 A. Yes.

8 Q. In fact in that year you had, I believe,
9 42 vessels engaged in your trades?

10 A. Yes.

11 Q. And this has been reduced this year to
12 how many?

13 A. About 27, up to the end of October.

14 COMMISSIONER SMITH: These are just pilotage
15 charges, are they?

16 THE WITNESS: Yes.

17 COMMISSIONER SMITH: Have you the port charges
18 complete as well as pilotage?

19 THE WITNESS: Not prepared, sir, no.

20 MR. BRISSET: Q. Will you file this state-
21 ment as Exhibit 955.

22 The document could be described as a statement
23 of Federal Commerce & Navigation Company Limited showing
24 payments made to St. Lawrence and Great Lakes Pilotage
25 Authorities in Canadian dollars from January 1st 1961 to
26 October 31st 1963. The total for the three years,
27 nearly three years being \$538,900 in respect of owned
28 ships and \$100,700 in respect of agency vessels.

29 ---EXHIBIT NO. 955: Document showing payments
30 made by Federal Commerce
to St. Lawrence and Great



1 (English)

2 Lakes Pilotage Authorities
3 January 1st 1961 to
4 October 31st 1963.

5 MR. BRISSET: Q. Mr. French, did you prepare
6 a statement showing in respect of representative vessels
7 port charges and pilotage charges of specimen voyages in
8 pursuance of the request from the Shipping Federation in
9 their circular letter of November 1st 1963?

10 A. Not that I know, sir.

11 MR. BRISSET: No more questions.

12 CROSS-EXAMINATION BY MR. LALONDE:

13 Q. Mr. French, what is your position with
14 Federal Commerce?

15 A. I am the treasurer.

16 Q. This document was prepared under your
17 supervision?

18 A. Yes, sir.

19 Q. I am referring, of course, to Exhibit
20 955. Do you know whether the boatmen or pilotboat costs
21 are paid to the pilotage authority in these figures?

22 A. I am sorry, sir?

23 Q. I will put it another way. You have
24 \$20 boat charges for a man to take the ship up. You know
25 that?

26 A. Right, sir.

27 Q. Do you know if this \$20 appears in the
28 amount which is paid for each trip to the Quebec Pilotage
29 Authority?

30 A. This is straight pilotage.



1 (English)

2 Q. How did you make your calculation in
3 this respect? Did you take it out of the pilotage costs
4 itself on each bill you received or did you take the
5 total amount appearing on the pilotage bill?

6 A. I am sorry. I misunderstood you. I
7 am thinking of the bills we got from the actual boatmen.

8 Q. From the Quebec Pilotage Authority you
9 received a single bill, didn't you, for the pilotage trip?

10 A. Right.

11 Q. Did you ever notice that on this pilotage
12 card which you received there is a \$20 charge for a pilot-
13 boat at Escoumains which is operated by the Department of
14 Transport?

15 A. No, I don't recall this, sir.

16 MR. BRISSET: Would you check to see if you
17 have included in that the costs in your figures showing
18 the pilotage dues paid in the Quebec District whether
19 the boat charge has been left in or whether it has been
20 deducted and give us this information later?

21 THE WITNESS: I will do that.

22 MR. LALONDE: Q. In effect, what you have
23 done here is you have taken the amount paid on each
24 pilotage card which was sent to you by the Quebec Pilotage
25 Authority?

26 A. Right. As far as I am aware, that is
27 what we have done.

28 Q. Do you know whether the situation is the
29 same in any other district, pilotage district, which is
30 mentioned here? That is whether you would have a charge



1 (English)

2 appear in the Pilotage card either for a pilotboat or
3 for a taxi fare or taxi transportation?

4 A. Not that I am aware of.

5 Q. Did you ever notice in the Montreal
6 District if you have a ship at St. Lambert there is a
7 \$3 transportation charge other than the pilotage costs
8 and I think the same thing for Cornwall pilots at St.
9 Lambert that there is a taxi fare of \$4.20 between
10 Cornwall and St. Lambert and vice versa which is charged
11 by the Department on all pilotage cards?

12 A. No, I am not aware of this.

13 Q. As far as you know in this calculation
14 again for these districts you would have taken the total
15 amount appearing on each pilotage card and added those
16 up?

17 A. As far as I know that is what was done.

18 Q. This would therefore include not only the
19 actual tariff and the pilotage dues but would also include
20 whatever detention and cancellation there might be in the
21 course of the trip?

22 A. I would think so, yes.

23 Q. It would also include the costs I mentioned
24 if it is true that they are added on all pilotage cards?

25 A. Yes.

26 Q. You are also aware that in the case of
27 the Great Lakes particularly from Cornwall up, all
28 pilotage costs which appear on the pilotage cards include
29 an administration cost? That is it costs \$2 from Cornwall
30 to Kingston?



1 (English)

2 A. Right.

3 Q. You are aware that this includes an
4 administration charge as well as the pilotage dues?

5 A. No, I am not aware of that.

6 MR. BRISSET: The figures you have given us
7 show what it has cost you wherever it went. When I say
8 "you" I mean your company.

9 MR. LALONDE: Q. Did you make any similar
10 calculation or your firm for each of these years of the
11 number of trips involved and the total cargo carried?

12 A. I believe we do have this information.
13 I don't have it available.

14 Q. Since you are going to check into the
15 matter of the pilotboat charges and the taxi charges in
16 Montreal and Cornwall in particular, may I suggest that
17 if this information is readily available, you could
18 provide us with the number of trips this would represent
19 and the total cargo carried by your company in and out in
20 those three years?

21 THE CHAIRMAN: The number of trips is given on
22 the footnote.

23 MR. LALONDE: Correct, My Lord. I didn't get
24 as far down as that yet.

25 Q. Could we get that for the total cargo
26 carried in and out by your company for 1961, 1962 and
27 1963?

28 A. If we have those available, yes,
29 certainly.

30 Q. And for the ships for which you act as



1 (English)

2 agents, I notice we do not have the number of trips.

3 Would you have that readily available?

4 A. Yes, we can get that.

5 Q. Could you add this and give us the total
6 amount of agency fees for these trips. There seems to
7 be only a few of these?

8 A. Yes.

9 MR. BRISSET: My Lord, I think I must object
10 to this. I do not see that the amount of agency fees
11 paid on these agency trips would be of any particular
12 interest to the Commission. What we wanted to establish
13 here is that contrary to what has been stated to this
14 Commission, it is not only foreigners that do pay pilotage
15 in our waters. It is also Canadian firms in view of the
16 fact that most of our export and import cargo has to be
17 moved on ships chartered on the world market.

18 THE CHAIRMAN: Do you still want that?

19 MR. LALONDE: My Lord, I am ready to bow to
20 any decision you render in this respect.

21 THE CHAIRMAN: So I do not think that this will
22 be necessary.

23 MR. LALONDE: Q. Have you made any
24 calculation of the total port charges for all these ships
25 which are mentioned on this Exhibit 955?

26 A. No.

27 Q. Would these be readily available or is
28 it --

29 A. These we have to produce some time
30 probably for DBS. I suppose it could be produced.



1 (English)

2 MR. BRISSET: We could, as in the case of
3 other companies, My Lord, produce samples. To produce
4 one for every trip would entail considerable work.

5 MR. LALONDE: Yes, My Lord.

6 THE CHAIRMAN: You would like to make the
7 sample?

8 MR. LALONDE: I don't think to tell you the
9 truth that samples are of much more interest than what
10 they are, that is samples. I think it is very very
11 misleading and unscientific to use samples as definite --

12 THE CHAIRMAN: It depends on the cargo and
13 on the amount of the cargo. It depends on all kinds of
14 factors.

15 MR. LALONDE: Yes. We have seen samples
16 produced for this Commission. For instance, you may have
17 the cost of pilotage from \$10 a ton to 5 cents or 2 cents
18 a ton for a long trip. Samples, I think, in this
19 respect --

20 THE CHAIRMAN: This is borne out by the
21 exhibits that were put in.

22 MR. LALONDE: Yes. I am not too keen on this
23 point. I think that if the Commission is interested in
24 this as a matter of fact it should be done from the
25 general official statistics of the DBS as to the total
26 cargo and the total number of trips and all that.

27 THE CHAIRMAN: Because it will be quite a job
28 to do that for 500 trips?

29 MR. LALONDE: Yes.

30 MR. BRISSET: My Lord, if I may add a word



1 (English)

2 here. When we submitted the statistics or the statistics
3 which Mr. Colley presented, we did not intend what came
4 out during the discussion to show the cost per ton of
5 cargo. As Your Lordship remarked it will all depend upon
6 the quantity of cargo carried.

7 We simply intended to take the port charges
8 themselves that are always payable whether you have cargo
9 or do not have cargo and relate them to pilotage which
10 you have to pay whether you have cargo or do not have
11 cargo.

12 THE CHAIRMAN: That is the reason why I think
13 the stevedore costs were not included.

14 MR. BRISSET: Yes.

15 MR. LALONDE: The Port Warden's fee was not
16 included. The Shipping Federation dues were not included
17 although we heard about 95 per cent of the shipping
18 companies have to pay it whether they want to or not.

19 THE CHAIRMAN: It varies with the cargo.
20 That is why they did not include it.

21 MR. LALONDE: I would say so does the pilotage
22 charge, My Lord, in most cases.

23 MR. BRISSET: I am afraid the Commission and
24 my learned friends will have to rely on the honesty of the
25 witness who says he has picked at random without making
26 any special effort to choose one rather than the other.

27 MR. LALONDE: I have not any intention at all
28 of putting Mr. Colley's honesty into question.

29 MR. BRISSET: No, no.

30 MR. LALONDE: I think the record speaks for



1 (English)

2 itself in that respect; all the more since he didn't
3 pick them himself but the point is that the argument which
4 was used that the port charges were not always the same
5 or it did vary from ship to ship and were not included,
6 as an argument did not strike me as very strong because
7 pilotage charges vary from ship to ship and cargo to
8 cargo in most districts.

9 MR. LANGLOIS: In this respect, My Lord, if
10 I may add one comment, to be fair to be learned friend,
11 the same witness also stated on another instance when he
12 was asked if he wasn't showing his side of the story
13 only said "What would you do in my place?"

14 MR. BRISSET: That was in connection with
15 another matter.

16 THE CHAIRMAN: Do you have any more questions,
17 Mr. Lalonde?

18 MR. LALONDE: No.

19 THE CHAIRMAN: Because if you have not, we
20 will adjourn now. It is almost four o'clock.

21 MR. LALONDE: As a matter of fact, My Lord,
22 I don't know where I am really.

23 THE CHAIRMAN: So we will adjourn for a short
24 adjournment, five or six minutes.

25

26

27

28

29

30



1 (English)

2 ANGUS ALICK MacKENZIE, sworn

3
4 THE SECRETARY: What is your position?

5 THE WITNESS: I am Supervisor, Disbursements,
6 Saguenay Shipping Limited.

7
8 DIRECT EXAMINATION BY MR. BRISSET:

9 Q. Mr. MacKenzie, have you prepared at our
10 request a statement showing the payments made by Saguenay
11 Shipping Limited for pilotage services on the St. Lawrence
12 and Great Lakes route for the years 1960, 1961, 1962 and
13 1963?

14 A. To August 1963.

15 Q. In the case of 1963 your figures only
16 show the payments up to August 31 1963?

17 A. Correct.

18
19 ---EXHIBIT NO. 956: Statement showing pay-
20 ments made by Saguenay
21 Shipping Limited for
22 pilotage services on the
23 St. Lawrence and Great
24 Lakes route for the years
25 1960, 1961, 1962 and to
26 August 31 1963.

27 Q. Would you tell us what was the figure for
28 the year 1960?

29 A. \$249,600.

30 Q. And for the year 1961?

A. \$282,900.

Q. I notice from your statement that in the
year 1960 the pilotage fees paid did not include pilotage



1 (English)

2 paid in the Lakes except up to Kingston?

3 A. That is correct. I believe there was a
4 change in the pilotage districts.

5 Q. In other words, in that year the Great
6 Lakes pilotage legislation had not yet come into effect
7 insofar as you were concerned?

8 A. So far as I can remember.

9 Q. Now, in your statement, Mr. MacKenzie,
10 I see that you have given us totals that cover all vessels
11 handled by your company, including your own vessels and
12 agency vessels; is that correct?

13 A. That is correct.

14 Q. And then you have made a percentage, or
15 given us percentages, showing which proportion was in
16 respect of your own ships - I mean, ships you were
17 operating in your service - and agency ships?

18 A. If I may correct that, Mr. Brisset...

19 Q. Yes.

20 A. ...I have shown the payments made direct
21 by our head office and payments made by our agents on our
22 behalf in the St. Lawrence or Saguenay area.

23 Q. In other words, the figures appearing on
24 your statement showing pilotage expenses are in relation
25 exclusively to your own ships?

26 A. No; they include agency vessels.

27 Q. They include agency vessels?

28 A. That is correct.

29 Q. Is there anything in your statement which
30 shows how much, or what percentage, involved your own ships



1 (English)

2 rather than agency vessels?

3 A. No, there is nothing in the statement
4 that shows that.

5 Q. Now, in the statement which you have just
6 filed as Exhibit 956 are there any comments that you
7 would like to make that you may feel would be of interest
8 to this Commission?

9 A. Yes. Included in the Quebec pilotage
10 district is the \$20 boat hire.

11 Q. In other words, the \$20 boat hire has
12 been left in the figures which appear in respect of that
13 particular district?

14 A. That is correct.

15 COMMISSIONER SMITH: Would you mind explaining
16 this? I don't seem to have got it clearly in my mind.
17 Average per year, \$63,100.

18 THE WITNESS: Yes, I will explain that, sir.

19 Our agent at Port Alfred did not keep a
20 separate listing of all amounts paid on our behalf when
21 we asked for the information, but they worked on them one
22 year, which was the year 1962. It is an actual figure;
23 and that is the one used in arriving at the percentage
24 payment.

25 THE CHAIRMAN: You worked out that figure for
26 your traffic and figured out what it would be for the
27 other years?

28 THE WITNESS: Yes; they supplied us with the
29 number of vessels handled in the period and the total of
30 what they did for Saguenay Shipping.



1 (English)

2 MR. BRISSET: Q. And this is restricted to
3 Port Alfred?

4 A. That is correct.

5 Q. And the payments for slack ships -
6 vessels handled in Port Alfred - during the years 1960 to
7 1963 appear on the last column to the right at the
8 bottom?

9 A. Yes.

10 MR. LALONDE: Does that last figure also
11 include the \$40 per round trip for the pilotboat at
12 Les Escoumains?

13 THE WITNESS: \$20 per trip.

14 MR. LALONDE: Yes; or \$40 per round trip?

15 THE WITNESS: Yes, that is correct.

16 MR. BRISSET: Q. When you say, for instance,
17 with respect to the year 1960 that there were 517 vessels
18 handled, does that mean that in relation to those 517
19 vessels there must be deducted ...

20 A. 229 were Saguenay Shipping.

21 Q. ...that there must be deducted a charge
22 of \$40 in respect of these 229 ships?

23 A. I don't recall the exact boat hire rate
24 in 1960, offhand. Maybe one of the pilots might know.
25 It was either \$15 or \$20. Whatever is the figure if we
26 multiply it by 229 that will give us the answer.

27 MR. JACQUES: If I want to find out what you
28 paid in pilotage bills - your company - in 1960 for the
29 Quebec district, would I have to add the \$32,600 figure
30 given at the top of your statement to the \$91,400 shown



1 (English)

2 in the second part of your statement, the bottom one,
3 because Port Alfred is in the Quebec pilotage authority
4 district.

5 THE WITNESS: Would you please repeat that
6 again so that I can follow it through? The \$32,600 -
7 that was paid direct ...

8 MR. JACQUES: A direct payment by Saguenay
9 to the Quebec pilotage authority?

10 THE WITNESS: Yes.

11 MR. JACQUES: And in the bottom part of your
12 statement you have data concerning Port Alfred?

13 THE WITNESS: That is correct.

14 MR. JACQUES: Which shows that in 1960 pay-
15 ments by Saguenay ships to the amount of \$91,400 estimated?

16 THE WITNESS: Yes; that is correct.

17 MR. JACQUES: Now, for the total payment made
18 to the Quebec pilotage authority I should add the \$32,600
19 and the \$91,400?

20 THE WITNESS: Yes, that is correct.

21 MR. JACQUES: And so on down the line?

22 THE WITNESS: Yes; right across.

23 THE CHAIRMAN: It is not included in the
24 payment by agents - the \$111,000?

25 THE WITNESS: Yes; that is a figure that is
26 taken, My Lord, down to the footnote below for 1960, which
27 gives the \$91,400.

28 MR. BRISSET: Q. Mr. MacKenzie, I am not
29 sure whether I am lost or not, so you will forgive me, but
30 I would have thought that to determine, for instance, in



1 (English)

2 the year 1960, what was the total paid for pilotage in
3 the Quebec district - that is, to the Quebec pilotage
4 authority - whether by your company or by agents for your
5 company, you would have to add the \$32,600, the first
6 figure at the top of the list ...

7 A. Yes.

8 Q. ... and the sum of \$111,400 ...

9 A. No.

10 The \$91,400 in the lower right-hand
11 corner are payments for an "E" in brackets there.

12 Q. Mr. MacKenzie, have you also prepared,
13 at the request of the Shipping Federation, statements in
14 the form of a summary of port charges and pilotage
15 expenses in respect of various sample vessels that have
16 been in your service?

17 A. That is correct.

18 Q. I would ask you to file this summary as
19 Exhibit 957, and I will then ask you to be good enough to
20 explain to us how you proceeded, outlining what your
21 figures are intended to show.

22
23 ---EXHIBIT NO. 957: Summary of port charges
24 and pilotage expenses in
25 respect of sample ships
26 in the service of
Saguenay Shipping Limited
during the 1963 season.

27 MR. BRISSET: Q. Mr. MacKenzie, let us start
28 with Exhibit No. 1.

29 A. Exhibit 1 is a summary of port charges
30 which we incurred on vessels on liner service going up to



1 (English)

2 the Lakes and back out.

3 They have been prepared separately as Montreal
4 port charges inward, Montreal port charges outward;
5 Detroit port charges; Toledo port charges; Hamilton
6 port charges, Toronto port charges; and pilotage.

7 Q. Now, you have mentioned that the basis
8 was 5 vessels?

9 A. That is correct.

10 Q. Am I to understand that you have averaged
11 the records of 5 vessels?

12 A. Yes, that is correct.

13 Q. And these vessels made the voyages with
14 which we are interested in 1963?

15 A. Yes.

16 Q. Will you proceed?

17 A. Yes. I will first proceed to complete
18 the liner service.

19 On Exhibit 2 I have shown Montreal inward
20 charges, in respect of towage, harbour dues, dock dues,
21 customs, port boarding, Shipping Federation, U.S.
22 quarantine, car hire, telephone, cables and postage,
23 consular fees, sick mariners and Seaway cost based on the
24 vessels' tonnage.

25 Q. In other words, then, Exhibit 2 gives us
26 the actual expenses of the 5 vessels that have served for
27 your analysis, and that produces the average of \$697 which
28 appears as the first figure on Exhibit 1?

29 A. This is correct.
30



1 (English)

2 Exhibit 3 is the outward expenses, Port of
3 Montreal, and again they follow through. The same
4 vessels were used for the analysis and they come out with
5 an average of \$605.

6 Q. Which is the second figure appearing on
7 Exhibit No. 1?

8 A. Correct. These were my own personal
9 records I took this from.

10 Exhibit No. 4 is the expenses incurred at the
11 Port of Detroit. Again I worked out an average that
12 came to \$867 as described in Exhibit 1.

13 Q. The third figure in Exhibit 1?

14 A. Yes, that is right. In Exhibit 5,
15 Port of Toledo, there were only four vessels available
16 and I used these four vessels to arrive at an average of
17 \$79, which is indicated in Exhibit 1.

18 Exhibit 6, Port of Cleveland, five vessels
19 used, and we come out with an average of \$76.

20 I may add one comment to these figures. The
21 port charges indicated differ slightly inasmuch as it
22 depends upon the previous port of call when you call in
23 the United States. There is a tonnage tax on vessels
24 calling in the States.

25 Exhibit 7 is the Port of Hamilton at which
26 five vessels were used bringing out an average of \$80.

27 Exhibit No. 8, there was only one vessel
28 called.

29 Q. That was only one vessel during the
30 season?



1 (English)

2 A. That is correct. At the time of
3 preparation of this document it would be one vessel.

4 Exhibit No. 9, these are the charges that were
5 incurred for pilotage, and I will add in this case
6 Escoumains-Quebec, Quebec-Escoumains the boat charge was
7 deleted.

8 Q. But I see that the apprentice pilot
9 charge was put in?

10 A. This is correct.

11 Q. Which is a new charge, as far as I can
12 see?

13 A. No; we have been carrying that for a
14 long while.

15 Q. From the other statements ---

16 THE CHAIRMAN: It appeared on Mr. Colley's
17 one, but in the other charges.

18 MR. LALONDE: My Lord, it appeared in pilotage
19 charges.

20 THE CHAIRMAN: Yes, pilotage charges.

21 MR. BRISSET: Q. In the case of Exhibit 9
22 giving us the pilotage charges you have also used five
23 voyages, I take it?

24 A. Yes, the same vessels.

25 Q. But the voyages concerned were the same
26 in respect of which port charges are indicated in the
27 previous exhibits?

28 A. This is correct. Wherever the five
29 vessels were used it has been the same five vessels I have
30 used again.



1 (English)

2 Q. You have always used the same five
3 vessels for the purpose of your analysis?

4 A. This is correct.

5 Q. In the case of pilotage you have also
6 made an average which is reproduced, I take it, by
7 reference to Exhibit 9 on Exhibit 1, the last figure?

8 A. This is correct. I will add that there
9 will be a difference of a dollar in there because last
10 night in checking the figures I found there was a \$7
11 item left out and the figure should be 2374 in the
12 original document. I have a copy of this for you, Mr.
13 Brisset. Exhibit 9 I originally submitted as 2373; it
14 should be 2374.

15 Q. It should be 2374?

16 A. This is correct. I believe the xerox
17 is correct. I corrected those this morning.

18 Q. Then reverting to Exhibit No. 1, you have
19 shown the percentage of the pilotage charges as compared
20 to the total port charges?

21 A. This is correct.

22 Q. Including pilotage?

23 A. That is right.

24 Q. Will you explain your method of proceed-
25 ing with respect to a bulk trading vessel?

26 A. Yes. This was based on a bulk trader
27 that we have on time charter that at that time proceeded
28 up to the Great Lakes.

29 Q. Of course, when you refer to liner
30 service in the first part of Exhibit 1, you are speaking



1 (English)

2 of a general cargo vessel?

3 A. A general cargo vessel.

4 Q. Have you followed the same procedure in
5 the case of the bulk trading analysis as you have in the
6 case of the liner service analysis of port charges?

7 A. Yes, with the exception that we only had
8 one vessel to work on in this instance, which I called
9 vessel No. 6.

10 Q. You had only one vessel in 1963 going up
11 the Lakes with a bulk cargo?

12 A. Going up in ballast, coming out with a
13 bulk cargo.

14 Q. She went up the Lakes, you said, in
15 ballast and came out with a bulk cargo?

16 A. That is correct.

17 Q. Would that be grain?

18 A. That is correct.

19 MR. LALONDE: Is that Exhibit 11 you are
20 referring to?

21 THE WITNESS: That is correct.

22 MR. LALONDE: Would you give us the explanation
23 of Exhibit 10(a) and 10(b)?

24 THE WITNESS: Yes. This is the vessel that
25 came into the Port of Montreal prior to proceeding through
26 the Seaway to go up the Lakes and her return back down
27 when she completed loading a full cargo - in other words,
28 topping off.

29 MR. BRISSET: Q. I notice that in Exhibit
30 10(a) 10(b) you have two columns. I take it that it is



1 (English)

2 the same vessel but in the one case you have the inward
3 port charges and in the other case the outward port
4 charges?

5 A. Correct.

6 Q. She topped off in Montreal?

7 A. This is correct.

8 THE CHAIRMAN: Yes, but this is reflected by
9 the towage. The first one was just in transit; she
10 just passed through.

11 THE WITNESS: Excuse me, My Lord. She
12 stopped in Montreal but she did not require tugs; she
13 had a fitter that carried the grain.

14 THE CHAIRMAN: Yes.

15 MR. BRISSET: Q. Have you any other comment
16 to add to the statements you have prepared?

17 A. None.

18 Q. Mr. MacKenzie, you prepared another
19 statement?

20 A. I am sorry, Mr. Brisset; I did not hand
21 that to you.

22 Q. Would you describe to us what this
23 additional statement is intended to demonstrate?

24 A. I indicate here a vessel under the
25 Quebec pilotage authority coming from Escoumains to Port
26 Alfred. One is a bulk trader built in 1957 and a liberty
27 type vessel which was built during the war years.

28 Q. You also give the respective gross and
29 net tonnage of each of these two vessels?

30 A. This is correct.



1 (English)

2 Q. What would be, as I do not see it here,
3 the respective dead weight tonnage of these two vessels?

4 A. I believe yesterday Mr. Parsons
5 described about 14,000-some-odd tons and approximately
6 10,800 tons.

7 Q. So you would have 14,000-some-odd tons
8 for the bulk trader built in 1957 and 10,800 tons for the
9 liberty-type war built vessel?

10 A. Yes.

11 Q. Before you explain the statement, would
12 you be good enough to file it as Exhibit 958, being a
13 statement showing a comparison of pilotage costs in the
14 Quebec pilotage district for a voyage from Escoumains to
15 Port Alfred and return?

16 A. Not return, just one way.

17 Q. One way, between a bulk trader built in
18 1957 of the dimensions stated in the statement and a
19 liberty-type war built vessel on the same voyage?

20 A. That is correct.

21 ---EXHIBIT NO. 958: Statement showing
22 comparison of pilotage
23 costs in the Quebec
24 pilotage district from
25 Escoumains to Port Alfred
between a bulk trader
built in 1957 and a
liberty-type war built
vessel.

26 MR. LANGLOIS: What do the letters A and B
27 mean, please?

28 THE WITNESS: Further down below, Mr. Langlois;
29 is that what you are referring to?

30 MR. LANGLOIS: Yes.



1 (English)

2 THE WITNESS: That was to indicate a delay to
3 bring out the net total time piloted.

4 THE CHAIRMAN: And B?

5 THE WITNESS: B is on the liberty-type, My
6 Lord.

7 MR. BRISSET: Q. Mr. MacKenzie, am I right
8 in assuming that the bulk trader as well as the liberty-
9 type vessel on this voyage from Escoumains to Port Alfred
10 were loaded to their full capacity?

11 A. I would assume they would be loaded to
12 their full capacity.

13 Q. There is no draught restriction to go
14 into Port Alfred with this type of vessel?

15 A. Not on the draught of the vessel into
16 Port Alfred.

17 Q. What does your statement show? What
18 was it intended to show rather?

19 A. In the lower part just below the amount
20 for pilotage I have indicated when the pilot boarded the
21 vessel at Escoumains, when it sailed, when they arrived at
22 Port Alfred, when it docked, and indicating the delay to
23 bring out the net total time pilotage on the bulk trader
24 and on the liberty-type vessel. This will show that the
25 bulk trader earns a higher fee in a lesser period of time
26 than the old type liberty vessel, which is lower earning
27 as far as pilotage goes and yet it takes a longer period.

28 MR. LALONDE: Excuse me, would you repeat
29 this?

30 THE WITNESS: Yes, I will. I said I indicated



1 (English)

2 under the bulk trader that there is a higher revenue
3 derived in a shorter period of time in regard to the time
4 piloting the vessel. In other words, you earn \$211.54
5 in six hours and fifteen minutes as opposed to \$182.35
6 in a period of eight hours and twenty minutes.

7 THE CHAIRMAN: Those two voyages were made in
8 the same year?

9 THE WITNESS: That is correct.

10 THE CHAIRMAN: Under the same tariff?

11 THE WITNESS: That is correct.

12 MR. LALONDE: And there are 4,000 tons dead
13 weight more in one case than the other?

14 THE WITNESS: Approximately 4,000 tons, yes.

15 THE CHAIRMAN: The tonnage is different.

16 MR. BRISSET: Q. In other words, in the case
17 of a bulk trader you have a larger vessel by some 4,000
18 tons or 30 per cent?

19 A. No, it is not 30 per cent.

20 Q. How much bigger would it be?

21 A. It would be a little more than 30, I
22 think.

23 THE CHAIRMAN: It all depends which one you
24 take for comparison purposes.

25 MR. LANGLOIS: In this respect also, if I may
26 at this stage, in regard to the time taken for the trip
27 in each case this would depend on the type of conditions
28 on each of the voyages in question in the Saguenay River?

29 MR. BRISSET: Q. Mr. MacKenzie, in this
30 regard can you tell us the respective speeds of the two



1 (English)

2 vessels? I am speaking of their normal cruising speed.

3 A. I would say approximately 13-14 for the
4 bulk trader and approximately 10 for the liberty-type.

5 THE CHAIRMAN: The difference in time, if you
6 take the delays, would be an hour and forty-five minutes?

7 MR. BRISSET: Q. Yes; that would be correct
8 an hour and forty-five minutes difference in time if you
9 leave out delays?

10 A. Not an hour and forty-five, and hour and
11 fifty-five minutes.

12 Q. Yes, it is an hour and fifty-five
13 minutes?

14 A. An hour and fifty-five minutes, that is
15 correct.

16 Q. Because you have shown the total time
17 on board in the case of the bulk trader of six hours and
18 forty-five minutes as compared to nine hours and ten
19 minutes for the other ship?

20 A. That is correct.

21 Q. But actual steaming time is six hours and
22 fifteen minutes for the bulk trader and eight hours and
23 twenty minutes for the liberty-type ship?

24 A. Yes.

25 Q. I have just one more question, Mr.
26 MacKenzie. If these two vessels that are here presented
27 for comparison purposes had been Liberian vessels, am I
28 right in assuming there would have been in both cases a
29 surcharge?

30 A. This is correct.



1 (English)

2 Q. What other flags do you know are those
3 assessed the surcharge?

4 A. Cuba, Russia.

5 Q. Well, we have all that in the record.

6 A. I think that is in the record. There
7 are quite a few countries there.

8 Q. What would have been the approximate
9 surcharge? What are we talking about?

10 A. Twenty per cent.

11 Q. Twenty per cent surcharge in both cases?

12 A. This is correct.

13 MR. LALONDE: On the tonnage only?

14 THE WITNESS: That is correct.

15 MR. BRISSET: Q. On the tonnage only?

16 A. Oh, yes, not in the draught, on the
17 tonnage.

18 MR. LALONDE: The reason is, I understand,
19 that the Liberian tonnage is not recognized as a safe
20 measurement or something like that?

21 THE WITNESS: I would not like to comment on
22 that. I do not think that is exactly true.

23 MR. JACQUES: We have had evidence in that
24 respect in Quebec.

25

26

27

28

29

30



1 (English)

2 EXAMINATION BY MR. JACQUES:

3 MR. BRISSET: This is out of your technical
4 domain?

5 THE WITNESS: Yes.

6 MR. JACQUES: Q. Would it be possible to
7 obtain extracts from the log books of each of those two
8 vessels, two ships in order to ascertain whether the
9 weather conditions were similar or there was not any
10 delay for some reason of that kind during the trip?

11 THE CHAIRMAN: The delays are indicated there.

12 MR. JACQUES: Q. During the trip?

13 A. Thirty minutes. This is taken from the
14 pilotage card which is signed by the pilot himself.

15 Q. You don't know whether probably the
16 ship anchored or not, if he anchored it would indicate
17 there because the pilot definitely would put it down?
18 If a vessel slowed down for bad weather or poor visibility
19 it wouldn't show in the pilot's card?

20 A. In some cases it does show. I have seen
21 it on them.

22 MR. LANGLOIS: It would not show if the ship
23 was bucking the tide, for example?

24 THE WITNESS: Definitely not.

25 MR. LANGLOIS: And a Liberty ship will buck
26 the tide for quite a long time?

27 MR. LALONDE: Even if the ship were to slow
28 down in fog, that wouldn't show on the card?

29 THE WITNESS: In some cases it is shown, Mr.
30 Lalonde.

MR. LALONDE: If he anchors?



1 (English)

2 THE WITNESS: "Slow down in fog". I have
3 seen it on pilotage cards.

4 MR. LALONDE: Some pilotage cards?

5 THE WITNESS: Yes, I must say some of them
6 are very detailed. Others are not.

7 MR. LALONDE: Because it has no effect on the
8 tariff?

9 THE WITNESS: No,

10 MR. LALONDE: It is just mentioned under the
11 remarks on the pilotage cards?

12 THE WITNESS: Yes.

13 THE CHAIRMAN: Justification for the pilot
14 expending a longer time for the trip.

15 MR. JACQUES: In any case, from memory do you
16 recall if there were any remarks made on either of these
17 two pilotage cards?

18 A. In the case of this information I took
19 from the cards there was nothing to indicate anything
20 unusual.

21 MR. JACQUES: Thank you.

22 THE CHAIRMAN: Mr. Lalonde, we can allow you
23 five minutes for cross-examination. If you have more
24 than that I think we had better adjourn.

25 MR. LALONDE: I will let Mr. Langlois go
26 first. He will not be here on Monday.

27 MR. LANGLOIS: I have only one question.

28

29 CROSS-EXAMINATION BY MR. LANGLOIS:

30 Q. Would it be correct to assume that the



1 (English)

2 pilotage dues paid to the Quebec Pilotage Authority would
3 be the only one having any relation to the production or
4 sale of aluminum products?

5 A. That I couldn't answer.

6 MR. LANGLOIS: That is the only question I
7 have, My Lord.

8 THE CHAIRMAN: You may put some questions,
9 Mr. Lalonde.

10
11 CROSS-EXAMINATION BY MR. LALONDE:

12 Q. In Exhibit 957 do you have a stop-over
13 at Port Alfred in one of these?

14 A. No, I didn't do any tabulation of Port
15 Alfred.

16 Q. Is there any particular reason why you
17 didn't put in the port charges for any stop at Port
18 Alfred?

19 A. No. I took the vessel at Escoumains,
20 going up the Lakes and back out.

21 Q. A fair number of your vessels do stop
22 at Port Alfred?

23 A. Quite a number.

24 Q. Do you mind checking these two vessels
25 which you have described in Exhibit 958 on Monday and
26 bringing back the port charges at Port Alfred for these
27 two cases including tow boats?

28 A. The port charges at Port Alfred?

29 Q. Yes, on the two ships mentioned in
30 Exhibit 958.



1 (English)

2 MR. BRISSET: The bulk trader.

3 MR. LALONDE: Q. Would you have the agency
4 fees in those two cases, the fresh water charges, that
5 type of charge?

6 A. Fresh water charges?

7 Q. Yes.

8 A. I don't think that has any bearing on
9 it.

10 Q. Do you have any at Port Alfred?

11 A. There is fresh water available. The
12 owner pays for fresh water.

13 Q. Does it appear in your records?

14 A. It is covered by the time charter which
15 Mr. Parsons described yesterday to you.

16 MR. BRISSET: It is not a charge that you pay?

17 THE WITNESS: No, sir.

18 MR. LALONDE: Q. The small boat charge for
19 the boat in the Bay at Port Alfred would that appear?

20 A. This will be covered by your port charge
21 at Port Alfred that you were asking for.

22 Q. How did you proceed with the selection
23 of these two particular cards on Exhibit 958?

24 A. Just picked at random.

25 Q. Would you also bring the circular letter
26 from the Shipping Federation No. 8066. It was not
27 tabled. I did not object to this.

28 THE CHAIRMAN: Is it tabled?

29 MR. LALONDE: It is not tabled.

30 MR. BRISSET: I would like, My Lord, to file



1 (English)

2 as Exhibit 959 circular letter No. 8066 from the Shipping
3 Federation of Canada to its members asking for specimen
4 disbursements of port charges in respect of vessels in
5 their service.

6
7 ---EXHIBIT NO. 959: Circular No. 8066 from
8 the Shipping Federation
of Canada to its members.

9
10 MR. JACQUES: I would like to file the answer
11 obtained from that letter which I have here.

12 MR. BRISSET: To which my learned friend
13 objected the other day.

14 MR. LALONDE: Yes, it was subject to revision
15 and examination.

16 THE CHAIRMAN: I wish you could look into
17 that because it is rather a bulky article.

18 MR. LALONDE: My learned friend has not shown
19 them to me yet.

20 MR. JACQUES: There was objection to their
21 being filed.

22 MR. LALONDE: Your Lordship's orders were
23 counsel were to meet and examine this. I think I may
24 have a few more questions on Monday.

25 MR. LANGLOIS: Before Your Lordship adjourns,
26 as Your Lordship knows I am proceeding to Newfoundland on
27 Monday. I hope to be back on Thursday but who knows.
28 One never knows as Your Lordship's experience last year
29 with the weather would indicate. I intended to bring
30 forth as a witness a representative of the Canadian



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

MacKenzie, cr.ex.
(Lalonde) 13611

1 (English)

2 Merchants Service Guild next week and it is just possible
3 you may have adjourned by the time I get back from
4 Newfoundland.

5 Could I then reserve this witness for Ottawa?

6 THE CHAIRMAN: Oh yes, you can always do that.

7 We will adjourn until Monday morning at 10 o'clock.

8
9 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

10 MONDAY, THE 17TH DAY OF

11 FEBRUARY, 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Windsor Hotel, Montreal,
Quebec, on Monday, the 17th day
of February, 1964

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois, Q.C.	for the Canadian Merchant Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corpora- tion of the Mid-St. Lawrence Pilots; Corpora- tion of the St. Lawrence River and Seaway Pilots Corporation of the Uppe St. Lawrence Pilots



INDEX TO WITNESSES

NAME

PAGE

MacKENZIE, Angus Alick

Direct Examination by Mr. Brisset	13612
Cross-Examination by Mr. Lalonde	13620
Re-Direct Examination by Mr. Brisset	13631
Re-Cross-Examination by Mr. Lalonde	13632

RUSSELL, Peter

Direct Examination by Mr. Brisset	13636
Cross-Examination by Mr. Lalonde	13664
Cross-Examination by Mr. Jacques	13674

FOX, Henry James

Direct Examination by Mr. Lalonde	13682
Cross-Examination by Mr. Brisset	13694
Examination by Mr. Jacques	13695
Re-Direct Examination by Mr. Lalonde	13697

HAMELIN, Orance, Captain

Direct Examination by Mr. Lalonde	13698
Cross-Examination by Mr. Brisset	13709
Re-Direct Examination by Mr. Lalonde	13713
Examination by Mr. Jacques	13714

BEDARD, Andre

Direct Examination by Mr. Lalonde	13718
Cross-Examination by Mr. Brisset	13720

* * * * *



INDEX TO EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
960	Statement showing port charges, excluding pilotage, at Port Alfred for vessel of bulk trader type built in year 1957 and for vessel of Liberty type, war built.	13614
961	Statement showing Liberty costs.	13617
962	Statement of ships' times from Sorel to Quebec and Quebec to Sorel in 1963.	13655
963	Document from New York Shipping Federation re Longshoremen's strike.	13679
964	Correspondence between the Department of Transport and Immigration Department concerning employment of United States pilots in the St. Lawrence Seaway.	13689
965	Memorandum submitted by the St. Lawrence and Montreal Pilots to the Shipping Federation, dated December 13, 1961.	13710

* * * * *



Montreal, Quebec
Monday,
February 17, 1964

13612

English

---Upon resuming at 10.00 a.m.

ANGUS ALICK MacKENZIE, recalled, sworn

DIRECT EXAMINATION BY MR. BRISSET (Cont'd):

Q. Now, Mr. MacKenzie on Friday was asked to obtain certain documents and information for the Commission. Before filing the specific documents he was asked to file I would like to annex to Exhibit 956 a breakdown of the actual figures of pilotage costs paid by Saguenay in respect of its own vessels and in respect of agency vessels for the years 1962 and 1963. These are actual figures and not simply estimates. This is to be attached to Exhibit 956.

Mr. MacKenzie, the document which has just been annexed to Exhibit 956 I understand represents actual figures?

A. That is correct.

Q. For the two last years, namely 1962 and 1963?

A. Correct.

Q. And it is on the basis of these figures that the percentages appearing on this statement have been arrived at?

A. That is correct.

Q. Will you proceed?

A. Under the Quebec Pilotage Authority



1 English

2 for the year 1962 you will notice \$32,600 was dis-
3 bursed by Saguenay, of which there was \$21,500 to
4 vessels operated by Saguenay and \$11,200 not operated
5 by Saguenay, but which we acted as agents for.

6 The same comparison we refer again
7 to 1962. Sixty-nine thousand dollars disbursed by
8 the Montreal Pilotage Authority, of which \$46,000 was
9 Saguenay vessels and \$32,000 to agency vessels we
10 handled.

11 In the year 1963 on the large statement
12 at the time of preparation the total figures were not
13 available. I have since compiled them. These are
14 the actual figures for the year 1963, Montreal Pilotage
15 Authority, \$72,400 in total. That will replace
16 \$50,700 shown on the large statement. It is Saguenay
17 vessels, \$49,900 and outside agency \$22,500.

18 The Quebec Pilotage Authority on
19 the large statement, up to the end of August, \$27,800;
20 for the full year, \$37,400, of which \$24,300 was for
21 Saguenay operated vessels and \$13,100 for agency
22 vessels we handled.

23 This, I believe, gives a fairly close
24 picture of the percentage that pertained to Saguenay's
25 fleet.

26 Q. Now, Mr. MacKenzie, you were asked to
27 supply a statement showing what would be the Port
28 charges in Port Alfred, excluding pilotage. I would
29 ask you whether you have prepared such a statement.

30 A. Yes, such a statement was prepared.





1 English

2 Q. Will you file as Exhibit 960?

3 MR. LALONDE: Would you mind stating
4 what is Exhibit 959?

5 THE SECRETARY: Circular letter of
6 November 9th, 1963, from the Shipping Federation to its
7 members requesting statistics of port charges, including
8 pilotage, and together with replies thereto.

9 Would you give a description, please
10 of 960?

11 MR. BRISSET: Exhibit 960 is a
12 statement showing what would be the Port charges,
13 excluding pilotage, at Port Alfred. First for a
14 vessel of the type of a bulk trader built in the year
15 1957; secondly, for a vessel of the Liberty type
16 war built.

17 ---EXHIBIT NO. 960: Statement showing port
18 charges, excluding pilotage,
19 at Port Alfred for vessel of
20 bulk trader type built in
year 1957 and for vessel of
Liberty type, war built.

21 Q. Would you explain this statement for us,
22 Mr. MacKenzie? Take first the bulk trader type vessel
23 built in 1957.

24 A. These are the charges that were
25 actually incurred by this type of vessel calling at
26 Port Alfred. I will comment as follows: first,
27 towage. The tugs are rented for the season and
28 Saguenay Shipping pays for tugs on a lump sum basis
29 of \$300 for inward operation or an outward operation.
30



1 English

2 At the end of the season Saguenay Terminals will bill
3 Saguenay Shipping for any moneys they did not collect
4 to fulfil and pay for the cost of renting of tugs
5 for the season. Likewise if they receive more
6 revenue than required this would be reimbursed to
7 Saguenay Shipping. This is the reason the figure
8 is rounded out to \$300. At the end of the year adjust-
9 ment is made one way or the other.

10 Harbour masters' dues are in accordance
11 with the present tariff.

12 Wharfage dues, \$525. This figure
13 includes a loss use for handling the vessel lines,
14 side wharfage, agency fee, and other medical expenses.

15 Inasmuch as Saguenay Terminals is a
16 group of Aluminum Company of Canada, for bookkeeping
17 purposes a figure of \$525 is arrived at rather than
18 having several individual invoices prepared and
19 handled for each vessel we have calling at Port Alfred.

20 Sick mariners' dues are in accordance
21 with the present tariff.

22 Pilotage launch is for Les Escoumains
23 inbound and outbound.

24 Q. Now, these total charges are paid by
25 Saguenay Shipping Limited on the ships that are on
26 the charter to the company?

27 A. That is correct. I would also mention
28 I have only shown below the breakdown of the pilotage
29 charges. I have excluded launch hire. I have put
30 that into pilots' costs, so it would give a clearer



1 English

2 picture and one would not be confused. We had
3 included launch hire in this case under pilotage
4 charges.

5 The Liberty type vessel is a similar
6 type arrangement and I will remark the wharfage dues
7 of \$420 is because the vessel is a smaller type and
8 does not take as much time alongside the berth. This
9 is why there is a different factor.

10 Q. Now in indicating the charge for
11 pilotage I notice that the outward charge is lesser
12 and I assume that this is because the vessel is in
13 ballast or light when leaving the wharf at Saguenay,
14 at Port Alfred?

15 A. That is correct.

16 Q. Now, Mr. MacKenzie, since we have
17 been working on statistics with you and figures I
18 understand that you have prepared another statement in
19 order to show, I believe, a comparison between actual
20 cost of shipping that is under charter to your company
21 during a period of time?

22 A. That is correct.

23 Q. On here it is from Les Escoumains ---

24 A. In this case it is from Les Escoumains
25 to Port Alfred.

26 Q. I would ask you to file a statement
27 as Exhibit 961, being a statement dated 17th February,
28 1964, showing cost of operation of a time chartered
29 vessel, Liberty type, during the period of pilotage
30 from Les Escoumains to Port Alfred. Is that a proper



1 English

2 description?

3 A. That is correct.

4 Q. Will you explain this particular

5 statement to the Commission, please, Mr. MacKenzie?

6 EXHIBIT 961 - Statement showing Liberty costs.

7 A. We have used a time chartered rate

8 as 18s. in the first calculation per deadweight ton.

9 Using 10,800 tons as the deadweight for the Liberty

10 type vessel we have calculated what the monthly hire

11 would be. That is 18s. and using the rate of

12 exchange as \$3.02 the total is \$29,376 or a daily cost

13 of \$980 based on a thirty-day month. The vessel's

14 hourly cost is equal to \$41.

15 The previous statement submitted

16 indicated that the period of 8 hours and 20 minutes

17 was used piloting the vessel from Les Escoumains to

18 Port Alfred and taking 8 hours and 20 minutes

19 and multiplying by 40 our vessel cost is \$341.65.

20 The pilotage charges for the same period are \$222.35.

21 This represents approximately 65 per cent of the

22 vessel's cost.

23 Included in the 18s. hire rate

24 vessel cost is depreciation, return on investment

25 to the owner, insurances, portage and related expenses,

26 which is the wage accounting and obtaining crews, etc.

27 There is the victualling of the vessel, deck stores,

28 engine stores, steward stores and running repairs.

29 There are surveys, radar, water and an allowance in

30 case a crew member took sick and the agency had to

attend to the man's hospitalization and repatriate him



1 English

2 home. There is an allowance for operating expenses
3 during off-hire periods. That is the period when the
4 charterer does not have use of the vessel and the owner
5 has to consider a certain number of days per year in
6 arriving at its hire rate.

7 There is an allowance for inflationary
8 factors. There are administration charges. This
9 is basically what is made up in the vessel's daily
10 hire rate.

11 A similar presentation was made for
12 a vessel at a time charter rate of 20s. to show the
13 factors.

14 Q. How does that rate compare with the
15 rate you have been paying in recent years, Mr. MacKenzie?

16 A. This was the rate on that vessel at
17 the time.

18 Q. This is the actual rate?

19 A. Yes.

20 Q. In 1963?

21 A. I couldn't say the date it was signed.

22 Q. Eighteen shillings?

23 A. That is correct.

24 MR. LALONDE: We have evidence that
25 you have some ships chartered for up to fifteen or
26 twenty years. Would you know when these ships were
27 ordered?

28 THE WITNESS: No, I would not have
29 the dates, Mr. Lalonde.

30 MR. LALONDE: Nor the year?



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MacKenzie, dir
(Brisset)

13619

1 English

2 THE WITNESS: No, I couldn't tell
3 you the year, Mr. Lalonde.

4 MR. BRISSET: That is all.
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1 CROSS-EXAMINATION BY MR. LALONDE:

2 Q. I would like to come to Exhibit 690.
3 Have you checked how often you have

4 apprentices on board your ships?

5 A. Yes. I did not check the exact number
6 every time they are carried, but the percentage is
7 usually in there.

8 Q. What percentage will you have approx-
9 imately?

10 A. I do not know.

11 Q. If I were to tell you that you had
12 apprentices on board your ship to the extent of approx-
13 imately 20 per cent at the time, would that be a fair
14 approximation?

15 A. I could not say.

16 Q. Has it just happened that these two
17 ships happen to have apprentices on board both ways or
18 did you select it on purpose?

19 A. No, these were not selected on purpose
20 to take these two.

21 Q. These two ships also went up in ballast,
22 you say.

23 A. This is correct.

24 Q. Is it a fact that there are also times
25 when you have cargo on board when they go out?

26 A. Not on these two vessels.

27 Q. Not on these two vessels, but my
28 question is simple I think. Is it not a fact that you
29 have cargo on your ships sometimes when they go out of
30 Port Alfred?

A. Correct.



1 (English)

2 MR. BRISSET: Will you make the distinction
3 between bulk carriers and general cargo. Speak about
4 bulk carriers first.

5 THE WITNESS: These two vessels are
6 classified as bulk carriers in our operations.

7 MR. LALONDE: Q. Do bulk carriers take
8 cargo out of Port Alfred?

9 A. No, sir, bulk carriers do not.

10 Q. Are you saying they never take cargo
11 out?

12 A. I never used the word "never".

13 MR. LALONDE: I will ask for the question and
14 the answer to be read by the reporter.

15 (The last two questions and answers were read.)

16 THE WITNESS: I will clarify this because you
17 can claim that a case of equipment for the operations
18 down south might be put aboard a bulk carrier to get it
19 down there and one might say that this is cargo because
20 there is a manifest prepared for it. There has to be
21 a manifest.

22 Q. Does it not happen sometimes that some
23 of your bulk carriers are carrying finished aluminum?

24 A. No.

25 Q. Do you not have some ships which are
26 bulk carriers one trip and general cargo another trip?

27 A. Yes, it does happen.

28 Q. So that we could have a definition that
29 bulk carriers are those that are not carrying general
30 cargo or cargo at all when they go out?



1 (English)

2 A. I would not say they are not carrying
3 cargo at all. When we refer to bulk carriers we
4 usually refer to something engaged in the oil trade or
5 the grain trade. It happens that to meet schedules they
6 do substitute a vessel and put it in.

7 Q. How do you classify ships like the
8 "Suncliffe" or the "Sunrhea"?

9 A. The "Sunrhea"? I believe she is a
10 bulk carrier.

11 Q. Both of them?

12 MR. BRISSET: What is the first one?

13 MR. LALONDE: The "Suncliffe".

14 THE WITNESS: The "Suncliffe" I believe is
15 a bulk carrier.

16 MR. LALONDE: Q. You state that these
17 ships would carry no cargo on their way out, generally
18 speaking, except what you refer to as equipment for your
19 services?

20 A. No, that is not what I said. If a
21 bulk carrier has gear on her they will occasionally put
22 her in to meet a line of commitment, to meet a schedule.

23 Q. But in these two instances it just
24 happened that these two never had ---

25 A. This is true.

26 Q. As it just happened that they both had
27 apprentices aboard?

28 A. That is correct.

29 Q. You put tug rental at \$300 per usage as
30 being the flat rate which would be charged if that ship



1 (English)

2 were to come only once or twice in the season. Is this
3 the official flat rate?

4 A. I will explain a little more clearly to
5 you. Saguenay Terminals are responsible for the tugs.
6 I believe they rent them for the season. They calculate
7 the number of vessels that they are going to handle, and
8 inasmuch as Saguenay Shipping are the main users of the
9 port they come up with a figure that they calculate
10 will be required to meet their obligation. \$300 was
11 the figure that was used for the 1963 season.

12 Q. Is this the same charge which would
13 apply to a ship other than a Saguenay Shipping ship if
14 she were to go to Port Alfred?

15 A. No.

16 Q. Do you know how much the charge would
17 be in such a case?

18 A. No, I do not have the figure before me,
19 Mr. Lalonde; I cannot recall it.

20 Q. Would it be higher or lower than this?

21 A. It could be higher, it could be lower.
22 It would depend upon the amount of work involved and the
23 tugs used.

24 Q. I would like to refer you to Exhibit
25 957 and in particular to page 2 where you have Shipping
26 Federation of Canada and a \$30 charge for each of these
27 vessels - that is Montreal inward. That was in transit
28 liner service. Was this a ship going further up than
29 Montreal?

30 A. This is correct.



1 (English)

2 Q. Is this \$30 charge not a Seaway charge?

3 A. Excuse me?

4 Q. A charge by the Shipping Federation for
5 ships going further up than Montreal?

6 A. This is correct.

7 Q. Is there not a charge of Shipping
8 Federation dues which is so much per ton? It was 3 cents
9 last year per gross ton for ships coming in any eastern
10 ports up to seven or eight voyages per year.

11 A. Do you want to clarify that a little
12 further?

13 Q. As I understand it you have Shipping
14 Federation dues and the first category of dues is a
15 charge per gross ton for liner or regular services up
16 to seven or eight voyages a year; they will pay 3 cents
17 a gross ton for their first seven or eight trips.

18 A. A liner service, yes.

19 Q. Each trip?

20 A. This is correct.

21 Q. Then you have a \$30 charge for Seaway
22 transit?

23 A. Correct.

24 Q. I notice that in this Exhibit No. 2 you
25 have only the \$30 charge. Is it the case that these
26 vessels only made seven or eight voyages and they did
27 not have to pay the other dues to the Shipping Federation?

28 A. This is not correct.

29 Q. How is it that this charge does not
30 appear?



1 (English)

2 A. Because it appears further on in
3 further exhibits, Mr. Lalonde. There was no operation
4 of cargo in this case on these vessels.

5 Q. Excuse me?

6 A. There was no cargo operation when the
7 vessel went in ballast, and I think a little further
8 on I can point this figure out to you. As an example,
9 let me point to Exhibit 10(a) and Exhibit 10(b). To
10 the Shipping Federation of Canada we paid a \$30 charge
11 coming in in ballast and she went up the Lakes. When
12 she came down we paid \$112. That is the one to which
13 you are referring.

14 Q. Yes.

15 A. That is correct; that is the answer.

16 Q. You mean to say that there is a
17 different charge if you transit the Seaway loaded or in
18 ballast?

19 A. This was when she came out through
20 Montreal; we paid it under 10(b).

21 Q. When she came out of what?

22 A. When she came out of the Lakes she
23 stopped at Montreal and loaded cargo.

24 Q. Was this the charge for one trip as
25 having stopped at one eastern port or was it for Seaway
26 transit?

27 A. No, no; \$30 was the Seaway transit
28 under (a). The (b) \$112 was the one charge you
29 mentioned before on the vessel's tonnage.

30 Q. And you paid it once on the round trip?



(English)

A. This is correct.

Q. In and out?

A. This is correct.

Q. And that counts as one trip?

A. One trip, yes.

Q. How is it that you do not have any such charges for other vessels? In Exhibit 2 how is it that you have only \$30 for all these vessels?

A. Because the vessel came in ballast and went up the Seaway; this is why.

Q. But whether you are loaded or not you have to pay the Shipping Federation dues on the basis of gross tonnage?

A. Yes. Would you please refer to Exhibit 3 in there, Mr. Lalonde. I think you will notice the Shipping Federation dues are there calculated on the outward liner service when the vessel was in cargo operation.

Q. These are the same vessels?

A. This is correct.

Q. The same trip?

A. The same trip.

Q. You have a charge for the 1963 season.

I notice here, looking at Exhibit 929, that from June 1st 1963 the Shipping Federation's dues were one and one-quarter cents per gross registered ton on regular liners, restricted to eight voyages per year. This would make the amount if the trips were made after June. Were they made before June?



1 (English)

2 A. I could not say offhand. I do not have
3 the dates before me.

4 Q. I notice that after December it was
5 two cents per ton, but certainly that would be before
6 December?

7 A. Oh yes.

8 Q. But you would not know whether it was
9 before or after June?

10 A. I could not say the date, Mr. Lalonde.

11 Q. I notice that you stated in Exhibit
12 958 that you had hire charge for "larger and faster
13 ship" -- Exhibit 958 for pilotage.

14 A. For pilotage?

15 Q. That is the purpose or summary of
16 Exhibit 958, is it not?

17 A. Yes.

18 Q. I notice in Exhibit 960 that you have
19 a similar increase in what you call port charges from
20 \$1,279 to \$1,483 which represents an increase of about
21 16 per cent?

22 A. Yes.

23 Q. Compared to a pilotage increase of
24 about 11 per cent? Is that correct?

25 A. This is correct. I have not checked
26 exactly but it is close enough.

27 Q. Did you calculate how much more cargo
28 you can carry with the first class of ships in comparison
29 with the Liberty ships?

30 A. No, I have not made any calculation, Mr.



1 (English)

2 Lalonde.

3 Q. Do you have any idea?

4 A. I believe Mr. Parsons gave a comparison
5 of figures the other day. I do not recall.

6 Q. How long does it take to unload the
7 cargo at Port Alfred?

8 A. I could not answer that correctly.
9 There are so many factors to consider.

10 MR. BRISSET: Make a distinction between a
11 Liberty-type vessel and a bulk trader, both loaded with
12 bauxite.

13 THE WITNESS: The larger vessel will take
14 longer; there is more cargo.

15 MR. LALONDE: Q. You have no idea how
16 much?

17 A. No, at the time I do not know, Mr.
18 Lalonde.

19 Q. As far as the other charges which have
20 to be paid in Port Alfred such as unloading and steve-
21 doring and all that - would you have those available?

22 A. No, definitely not.

23 Q. Do you receive a flat charge or a flat
24 bill for all that when you unload a vessel at Port
25 Alfred?

26 A. It depends on what you are referring
27 to. If you take a liner service it is natural the
28 operator will pay the stevedoring but if it is bulk
29 cargo and you have a charter party and you negotiate a
30 rate it all depends on the terms of your contract.



1 (English)

2 Q. I am referring to Exhibit 958. You
3 have two ships there. Did you have to pay anything
4 other than port charges to get your bauxite?

5 A. Will you repeat that?

6 Q. Take these two ships in 1958: would you
7 as a company have had to pay anything other than the
8 amounts appearing in Exhibit 960 to clear the ship?

9 A. To clear a ship?

10 Q. To unload the ship completely and go
11 back?

12 A. I do not believe under the contract we
13 have with our parent company that we are responsible for
14 stevedoring in this case.

15 MR. BRISSET: It is free in and free out?

16 THE WITNESS: I believe those are the terms
17 of the contract.

18 MR. LALONDE: Q. Saguenay Terminals is your
19 subsidiary?

20 A. No.

21 Q. Your parent company?

22 A. They are one of the group companies of
23 the Aluminum Company of Canada.

24 Q. In Exhibit 956 you have a category
25 called "St. Lawrence Seaway Pilot". I suppose this is
26 the charge for a pilotboat at Cape Vincent, or is it a
27 pilots' association or what?

28 A. This will be invoiced as we receive and
29 we pay the St. Lawrence Seaway Pilot Authority. We
30 receive an invoice as such.



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(Lalonde) 13630

1 (English)

2 Q. Do you know what that is for?

3 A. I believe those are paid to the
4 authority at Messina if I am not mistaken.

5 Q. Excuse me?

6 A. I believe that is the American
7 authorities at Messina.

8

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1 English

2 Q. In Exhibit 961, I believe that is a
3 comparison in terms of costs per hour. Is that 961?

4 A. I believe it is.

5 Q. Is the cost per crew included in the
6 daily cost of the ship?

7 A. That is correct.

8 Q.. That includes all the officers and
9 masters and all that?

10 A. That will be under portage and related
11 expenses.

12 Q. Under portage and related expenses?

13 A. This is the term referred to.

14 Q. That would include salaries of all
15 the ---

16 A. Salaries and transportation.

17 Q. If such a ship, for instance, were to
18 go to Saint John, New Brunswick, and go into harbour
19 and take let us say an hour, you would have a cost of
20 pilotage would be 150 per cent of the hourly cost of
21 the ship?

22 A. This is quite possible.

23 MR. LALONDE: Thank you.

24
25 RE-EXAMINATION BY MR. BRISSET:

26 Q. Just one question if I may, Mr.

27 Mackenzie. In connection with bulk carriers doing
28 general cargo trade, am I right in understanding that
29 you have been using a bulk carrier say to carry

30 bauxite. Then you will take her out of the bulk trade



1 English

2 and put her into a trade which would be the general
3 cargo trade?

4 A. Provided she is so fitted.

5 Q. She has to be fitted and that sort of
6 thing?

7 A. Yes.

8 Q. That is what you meant earlier in your
9 evidence?

10 A. That is correct.

11 Q. It has nothing to do with using a
12 bulk carrier to take cargo out of Port Alfred?

13 A. No, it has nothing to do with that.

14 THE CHAIRMAN: Just for the correctness
15 of the record, I want to correct my arithmetic last
16 Friday on Exhibit 958. If I had read and studied
17 the exhibit I would have found that the exact answer
18 for the actual time of deliverance and the actual
19 time of pilotage between those two trips was 2 hours
20 and 5 minutes.

21 Any other questions of Mr. MacKenzie?

22 MR. LALONDE: Would you just hold on
23 for a moment?

24 THE CHAIRMAN: All right.

25 RE-CROSS EXAMINATION BY MR. LALONDE:

26
27 Q. On Exhibit 961, Mr. MacKenzie, you have
28 in your total charge for this period \$220.35. Was
29 this put in evidence before in other documents?

30 A. Yes, it was.



1 English

2 Q. I am trying to find out which one.

3 A. Yes, I think you can. If you will
4 refer to my -- I believe I had it on one of them, Mr.
5 Lalonde.

6 Q. Would it be 960? There is a charge
7 thereof \$182.35. If you add ---

8 A. I can answer that for you now.

9 Q. There is \$40 missing somewhere there?

10 A. No, there is not a \$40 charge missing.
11 If you refer to -- I don't know what exhibit that is.

12 Q. You have 958 and 960?

13 A. That is the one that will explain it
14 the easiest.

15 Q. That is 958.

16 MR. BRISSET: 958.

17 THE WITNESS: If you look at 958,
18 Mr. Lalonde.

19 MR. LALONDE:

20 Q. Yes?

21 A. There is a figure there of bulk trade
22 of \$211.54.

23 Q. Yes?

24 A. I have shown also \$211.54 on my Port
25 Alfred port charge comparison. This is what you are
26 referring to.

27 Q. You are referring to another exhibit
28 now?

29 A. Yes.

30 Q. Which number?



1 English.

2 A. No. 60.

3 Q. 960. I am referring now to Exhibit
4 961.

5 THE CHAIRMAN: Will you take a minute
6 and go through this so this will not show on the record.

7 MR. LALONDE:

8 Q. You have first of all Exhibit 961
9 a charge of \$222.35 versus a charge of \$182.35 in
10 Exhibit No. 958?

11 A. Yes.

12 Q. Can you explain this \$40 difference?

13 A. Yes. There was included in Exhibit
14 961 a \$20 charge for a launch at Les Ecoumains and also
15 a \$20 charge for the ship at Port Alfred prior to
16 anchoring, movage.

17 Q. The ship had anchored?

18 A. The ship had anchored, I believe,
19 a few moments. I think I have it, at Port Alfred
20 h e lost approximately twenty minutes, so I have it
21 under 958. You will notice a twenty-minute delay at
22 Port Alfred. We charged for anchorage.

23 MR. BRISSET: If a ship has to
24 anchor coming to the dock, the pilots make an
25 additional charge.

26 THE WITNESS: In this case we were
27 charged \$20 for the movage.

28 MR. LALONDE:

29 Q. Now, do you know whether it happens
30 often that you have a movage like this before docking



1 English

2 at Port Alfred?

3 A. I couldn't give you the percentage
4 but I know it does take place.

5 Q. I submit to you it happens about ten
6 per cent of the time. Would you have any idea
7 whether I am right or wrong?

8 A. I wouldn't endeavour to guess, Mr.
9 Lalonde.

10 Q. It just happens in this particular
11 case you had a movage?

12 A. Yes, but the bulk vessel did not have.

13 Q. Now, on the bulk vessel you have charged
14 \$211.54 and in your exhibit 961 you have a charge of
15 \$241.08?

16 A. Yes.

17 Q. Can you explain this difference?

18 A. Yes, there is a launch hire at
19 Escoumains of \$20 and in this case the bulk trader
20 had a Liberian tonnage certificate and we were
21 charged a surcharge of \$9 and some odd cents. That is
22 based on the tonnage of the vessel.

23 MR. LALONDE: Thank you.

24 THE CHAIRMAN: Any further questions
25 of Mr. MacKenzie? Thank you very much.

26

27

28

29

30



1 English

2 PETER RUSSELL, sworn

3 THE SECRETARY: Your name, please?

4 THE WITNESS: Peter Russell.

5
6 DIRECT EXAMINATION BY MR. BRISSET:

7 Q. Captain, will you tell us what
8 certificate you hold and what has been your experience
9 at sea?

10 A. I hold an Extra Master's Certificate
11 of Competency ---

12 Q. Which was issued by what authority

13 A. The British Government Department
14 responsible at that time, which was the British
15 Minister of Transport at that time.

16 Q. In what year?

17 A. 1949.

18 Q. And what has been your experience at
19 sea?

20 A. I sailed as a cadet and junior officer
21 with the Canadian Pacific Steamship, sailed on the
22 North Atlantic trade in and out of the St. Lawrence
23 and Canadian maritime ports and subsequently as a
24 senior officer and master for at that time the Demarara
25 Saguenay Division of Saguenay Terminals Limited, which
26 is now Saguenay Shipping Limited, as a senior officer
27 and master also; principally on the north and south
28 trade, the West Indies and in and out of the St.
29 Lawrence, Saguenay and related areas.
30

Q. How many years altogether were you at



1 English

2 sea before obtaining your Master's licence in 1949?

3 A. Eight with two years ashore training
4 before that.

5 Q. To train for your Master's and
6 Officer's certificate?

7 A. That is correct.

8 Q. How many years were you actually acting
9 master after you obtained your master's licence?

10 A. A little over two.

11 Q. You were then acting as master for
12 Saguenay -- what was then Saguenay Terminals Limited?

13 A. That is correct.

14 Q. When did you come ashore, Captain?

15 A. 1951.

16 Q. Since coming ashore, have you been
17 involved in the shipping business?

18 A. Continuously. I was brought ashore
19 in the first instance by Saguenay as one of their
20 superintendents. I continued in that
21 capacities for another four years and then up until
22 eighteen months ago I was operating manager for
23 Federal Commerce.

24 Q. You were operating manager for
25 Federal Commerce Navigation Company Limited here in
26 Montreal?

27 A. That is correct.

28 Q. For the last eighteen months you have
29 been in business for yourself?

30 A. Correct.



English

Q. Here in Montreal?

A. That is correct.

Q. Still in the shipping business?

A. Yes, I am operating company, acting as an agent broker and also charter of ships in the same sense as Saguenay do or Federal Commerce.

Q. On a smaller scale?

A. Much smaller.

Q. What is the name of your business?

A. Enterprise Marine Company.

Q. With offices here in Montreal?

A. That is correct.

Q. When you say you act as a broker, would you explain perhaps a little more fully to the Commission what that means?

A. Really in a similar sense to a stock-broker or real estate broker. If someone, one of my connections, shall we call them, has a cargo to move; they will approach me to find a suitable ship. In turn I will call an owner connection and say I have this cargo available and are you interested in carrying it? If he says Yes, then negotiations on rates and terms of carriage are conducted through me as the intermediary until they either come to terms or it falls apart because one side is too far from reality or the circumstances at the moment.

Q. Now, as regards the type of trade you are in, am I correct in assuming that your principal, if not your only interest, is in the export and import



1 English

2 trade, namely, in goods moving by water or by sea?

3 A. That is correct.

4 Q. Now, captain, during all those years
5 that you have been actually sailing, how many years
6 did you have sailing up and down the St. Lawrence?

7 A. Virtually jus about my entire sailing
8 career except perhaps for a gap of about eighteen months
9 in the middle of the war when the ship I happened to
10 be on was ordered into other theatres, so to speak.

11 Q. All your sea travelling has been in
12 the St. Lawrence River route?

13 A. That is correct.

14 Q. Now, captain, I understand that you
15 were appointed Chairman of the Subcommittee of the
16 Shipping Federation of Canada for the purpose of con-
17 sidering the extension of the limits of service by
18 harbour pilots to the limits of the Harbour of Montreal?

19 A. Yes.

20 Q. Who were the other members on your
21 Subcommittee?

22 A. Captain Tyler.

23 Q. A. C.?

24 A. A. C.

25 Q. Who is he?

26 A. He is -- I am not sure of his exact
27 title but virtually he is the person in charge of
28 the Port Agency Department of the Montreal Shipping
29 Company.

30 Q. Who were the others?



1 English

2 A. Captain Earlander.

3 Q. Will you tell us who he is?

4 A. Marine Superintendent of Swedish-
5 American Lines.

6 Q. I understand Captain Matheson was
7 also serving.

8 A. Captain Matheson was also there, yes.

9 Q. Now, captain, what have been the
10 conclusions of your Subcommittee, and your own, with
11 regard to the exclusive use of Harbour Pilots for
12 docking and undocking ships within the Harbour of
13 Montreal?

14 A. Are you referring to the practical
15 side?

16 Q. The practical side.

17 A. On the practical side we felt con-
18 clusively that the extension of the Montreal limits
19 posed a serious anomaly where the selection of
20 Harbour pilots was restricted at the present time to
21 a specific purpose and with the question or possibility
22 that at some time in the future docking pilots or
23 changing pilots at Longue Point, this would continue
24 and even aggravate the anomaly where a considerable
25 number of the berths in use particularly for large
26 deep draught vessels would actually be below this
27 point and from all aspects it made far more sense
28 to have harbour pilots take over from the river pilots
29 further down the river, equivalent to the lower legal
30 limit of Montreal Harbour.



1 English

2 Q. As you know, at the present time
3 river pilots do some docking when the ship, for instance,
4 comes upriver without stopping at Longue Pointe.
5 They will take the ship to the dock. The question
6 on which I would like you to express your view before
7 this Commission is whether you feel or not that there
8 is an advantage in having specialist docking pilots
9 operating exclusively in the harbour rather than both
10 harbour pilots and river pilots?

11 A. Yes, I feel there are two principal
12 reasons. The harbour pilot just from the normal
13 course of his employment or his function comes more
14 experience. In other words, he is more frequently
15 handling ships on or off dock walls and berths and
16 also I think it is also true to say that being a
17 fairly close body, they would tend to develop their
18 own particular methods which may be at any time
19 at variance to the understanding of a pilot who is
20 doing it less frequently so at the same time there may
21 be even between one ship and another two distinct
22 categories of pilots doing virtually the same job.

23
24 -

25
26 -

27
28 -
29
30



1 English

2 Q. Now what about the operation of
3 docking itself, especially say a large vessel, is
4 there in your opinion anything special by way of training,
5 ability and so forth that a pilot must have?

6 A. It is a combination of several factors.
7 Initially I feel a pilot or ship handler of that
8 category -- I don't want to be too blanket -- I have
9 always felt a man doing this type of work is rather
10 born and not made. Experience must count and again
11 it all gets back to the question of the man's own
12 individual approach to the job.

13 COMMISSIONER SMITH: You used the
14 expression "lower legal limit of the Montreal Harbour".
15 Were you referring to Sorel or some other point?

16 THE WITNESS: It is my understanding
17 it now coincides with the upper limit of Sorel Harbour.

18 COMMISSIONER SMITH: That is the
19 point you were referring to?

20 THE WITNESS: Yes.

21 MR. BRISSET:

22 Q. Now, captain, you will appreciate, of
23 course, that if harbour pilots are to serve exclusively
24 within the limit of the harbour of Montreal to dock
25 and undock ships they will have to relieve or be
26 relieved by river pilots at some place or some stage.
27 Now, as regards the place where the release is to take
28 place, what is the recommendation of your subcommittee?

29 A. The recommendation of the subcommittee
30 was for this release or handing over to take place in



1 English

2 the area of what is known as the Lanoraie anchorage.

3 Q. Captain, would you by referring to
4 Canadian Chart 1338, Exhibit 448, indicate with a
5 red pencil the location in extent of what is called
6 Lanoraie anchorage?

7 I take it that on this exhibit No. 448
8 the limits of what you have called Lanoraie anchorage
9 have already been indicated in green. Is that correct?

10 A. Yes. The green marking continues
11 all the way down to just below the point of the City
12 of Sorel. The Lanoraie anchorage, I would feel,
13 would extend from the upper green mark to an inter-
14 mediary one here, roughly opposite the upper point
15 of Ile au Foin. There is a channel buoy here.

16 Q. What is the number of the buoy?

17 A. It doesn't seem to have a number here,
18 Mr. Brisset.

19 Q. Captain, do you know the location of
20 Quai Marien in the harbour?

21 A. Just loosely by memory.

22 Q. Do you know at least it is in Pointe-
23 aux-Trembles?

24 A. Yes.

25 Q. Will you tell us what the distance is
26 in nautical miles between Pointe-aux-Trembles church
27 and Lanoraie church?

28 A. From Pointe-aux-Trembles church to
29 Lanoraie church is 22.9 nautical miles.

30 Q. 22.9 nautical miles?



1 English

2 A. Right.

3 Q. Captain, you appreciate if a Harbour Pilot,
4 instead of limiting his activities to the area of
5 the docks in the Harbour of Montreal, will have to
6 reach Lanoraie anchorage or that vicinity to cover
7 a distance would be slightly in excess of 22.9 miles?

8 A. Yes.

9 Q. Would you consider that this additional
10 workload imposed on the harbour pilot would cause him
11 to lose the experience he might otherwise gain or
12 have in restricting his activities to simply the dock
13 areas?

14 A. Not materially, no.

15 Q. On the average with the type of ships
16 that are generally trading in our waters today by what
17 extent do you estimate his time aboard will be ex-
18 tended under normal conditions? I am not speaking
19 of fog where he has to anchor or other similar con-
20 ditions.

21 A. There are two things here. The
22 Harbour pilot joining a ship at St. Lambert, if going
23 to Montreal Harbour for carrying purposes or going
24 alongside the oil docks, I would judge that the time
25 kept on board -- this again if there is no traffic
26 reason for delay -- perhaps two or possibly three
27 hours. On the other hand, if the vessel had gone
28 direct I would say he might be on board for not more
29 than about four, if he had gone down direct and he
30 was relieved in the Lanoraie area.



1 English

2 Q. Now, captain, I want to direct your
3 attention to the statistics contained in Appendix 51
4 of the second volume of the brief of the Shipping
5 Federation of Canada, at page 161. I would draw
6 your attention to the statistics with regard to
7 Montreal Harbour and the workload of the pilots and
8 the number of trips effected by the pilots in that
9 district, particularly in 1962. You will see if I
10 follow the line from one end to the other: 1962,
11 16 active pilots, 16 effective pilots, number of days of
12 season 9 months, and number of trips, which in the
13 present case would be movages made by the pilots, 352.8
14 during the year.

15 MR. LALONDE: During nine months?

16 MR. BRISSET: Q. Would you consider if the
17 Harbour pilots were to go down as far as Lanoraie in
18 the perofmance of their harbour duties it would be
19 first of all a diminution in the number of their yearly
20 trips or yearly meaning the season?

21 THE WITNESS: It is hard to judge
22 exactly, but I would suggest in practice there must
23 be a small diminution. Here you have nine months,
24 which for ease of arithmetic we can say is 270 days,
25 which means on the average a pilot does one and
26 fraction movages per day. That is an average time
27 of 2.6 hours. He has a little more than just under
28 22 hours, 21½ hours, left in the day. There is an
29 extra two hours going down and an hour or so going
30 back which did not make too great an effect, if any.



1 English

2 Q. You said "travelling back". Do you
3 foresee the possibility there would be a situation in
4 Lanoraie where he could take a ship the next day or
5 later to come back instead of travelling back?

6 A. Yes.

7 Q. The way river pilots do to a certain
8 extent?

9 A. Yes.

10 Q. In other words, you can see that they
11 would not make as many trips if the limits are extended,
12 but the diminution in the number of trips would not
13 affect, I take it, their experience, in so far as
14 you consider?

15 A. No.

16 Q. Now, captain, in your subcommittee
17 opinion you have said it would be advantageous to have
18 harbour pilots do exclusively the docking and undocking
19 and the pilotage work within the harbour. You have
20 realized that they had to be relieved somewhere and
21 you suggested Lanoraie.

22 Now will you explain to us what par-
23 ticular advantage, having in mind particularly the
24 safety factor, there is in Lanoraie as compared to
25 anywhere else?

26 A. Lanoraie there is a straight, virtually
27 straight, reach of the river running for about three,
28 possibly four miles. There are no middle grounds.
29 In other words, the reach is completely clear of
30 obstruction excepting for the sides of the river.



English

Q. In other words, they have no shallows?

A. Correct. Again it is a straight reach and what current there is is moving reasonably uniformly. There would be no localized counter-effects which could affect the ships slowing down to effect a change of pilots.

The current on the chart is marked and, of course, would be on the basis of an average of many observations. It is 1.7 knots. At Longue Pointe in the Montreal Harbour the current is considerably greater. The congestion there is a factor shipping moving in and out of the oil docks. There would be other ships waiting for orders. Sometimes there are tankers that have to clean after discharging oil and have to move to the Longue Pointe anchorage. At the same time the vessel is sufficiently removed from the shore in handling cargo.

Altogether it seems to me from the studies in questions that we asked and answered ourselves that Lanoraie is the best area to change pilots.

Q. You have spoken of Longue Pointe as another possible place, but I think you indicated to us that there was congestion there. What causes the congestion?

A. The channel is not terribly wide.



1 (English)

2 Q. How wide is it compared to Lanoraie?

3 A. I am not sure of the exact figure but I
4 would say that Lanoraie is at least double the usable
5 width, if not more.

6 Q. Let us return to the congestion feature
7 at Longue Pointe. What is the cause of congestion
8 there?

9 A. The cause of congestion is that the
10 river channel naturally brings them close together. The
11 anchorage at Longue Pointe. The designated anchorage
12 in Montreal Harbour which is used by the Harbour Master
13 to order vessels to hold, to wait, to move into the
14 Seaway, frequently may be only for one or two hours if
15 there is a bunch of ships in St. Lambert lock, either
16 up or down. It is used frequently, as I just mentioned,
17 for tankers which are cleaning. At the present time
18 all the clearance formalities for a vessel going through
19 to the Seaway but not having commercial business in
20 Montreal are stopped at anchor at Longue Pointe for
21 officials to board.

22 Q. What about the bunkering wharves? I
23 think you stated earlier that they were situated below
24 Longue Pointe anchorage?

25 A. Correct.

26 Q. Is there any particular congestion
27 there, congestion of traffic to and from the bunkering?

28 A. I would say there is fairly frequent
29 movement down there between tankers arriving with a
30 product - or, usually, I would say crude oil - to the



1 (English)

2 refineries. There will be vessels coming down and
3 turning in the river to go alongside to take bunkers at
4 the docks, and also the smaller craft belonging to the
5 oil companies, which are used to service ships in the
6 upper harbour which, for one reason or another, do not
7 want to move down and make a separate stop at the docks.
8 These smaller craft are used for servicing particular
9 customers.

10 Q. In other words, referring to vessels
11 going down river to the oil dock to bunker, these vessels
12 have to swing around on the current and with their
13 anchor, I take it, or sometimes without their anchor ---

14 A. Sometimes just using their anchor and
15 also sometimes with the aid of tugs, and more frequently
16 with tugs I would think.

17 Q. That would be in the vicinity of Longue
18 Pointe anchorage?

19 A. Yes.

20 Q. So as between Longue Pointe and Lanoraie,
21 from a safety point of view, I take it that Lanoraie
22 appears to you to be considerably safer?

23 A. Much better.

24 Q. Just to give a comparison with other
25 points, let us look at Three Rivers at the present time.
26 What would you have to say as between Three Rivers where
27 the relief is presently effected and Lanoraie?

28 A. I would still prefer Lanoraie. As I
29 understand it, the relief is made at Pointe des Ormes,
30 which is on a curve. There is not the same reach of the



1 (English)

2 river and there is movement again of shipping in and out
3 of Three Rivers. I believe this site is also in the
4 near vicinity of the projected bridge site.

5 Q. When you are on the Lanoraie course are
6 you on ranges?

7 A. Yes.

8 Q. Is that an advantage?

9 A. Very much so.

10 Q. Are there any other special advantages
11 in Lanoraie from a safety point of view?

12 A. Not too specifically other than what we
13 have already gone over except, to repeat, that you are
14 on ranges. It is a straight reach of the river as
15 opposed to Three Rivers. There is also I believe -
16 and I will have to refresh my memory from the chart -
17 at Three Rivers what is called middle ground below the
18 area presently in use.

19 Q. There are shallows, in other words?

20 A. Yes. There is a constriction of the
21 channel which is hardly a mile below the actual point,
22 Pointe des Ormes. A ship either coming down or going
23 up actually in this area is making a curve when consider-
24 ing the axis of the channel.

25 Q. Just to go back to the Lanoraie
26 anchorage area, for the record will you just tell us
27 what is the length of the straight reach during which
28 the relief could be effected?

29 A. A minimum of 3.6 miles which can be
30 extended if need be for about a further mile.



1 (English)

2 Q. Now, Captain, I would like to go over
3 some of the practical rather than navigational
4 advantages of the relief of the harbour pilot by the
5 river pilot or vice versa at Lanoraie as compared to,
6 say, Longue Pointe. To illustrate this, will you
7 take first of all an up-river or a ship proceeding up-
8 river from Quebec. What happens to such a ship at the
9 present time under the present system, if it is kept
10 in force, of changing pilots at Three Rivers but assuming
11 that the harbour pilot is relieved closer to Montreal,
12 say at Longue Pointe?

13 A. The vessel would take her next pilot at
14 Quebec as she passes through the harbour of Quebec on
15 the usual system of relief, and she will continue and
16 change pilots again at Three Rivers. If she was coming
17 through directly she would then have to change her pilot
18 at Longue Pointe and take her harbour pilot before
19 proceeding any further into Montreal harbour.

20 Q. Let us assume now that she has to go
21 to anchor at Lanoraie because the harbour is congested,
22 or for some other similar reason.

23 A. In these circumstances she would still
24 take the pilot from Quebec to Three Rivers, of course,
25 change pilot at Three Rivers and that pilot would take
26 her to Lanoraie, anchor the vessel, then when she was
27 given the clearance to enter Montreal harbour by the
28 Harbour Master she would take another pilot.

29 Q. A river pilot?

30 A. Still a river pilot as far as Longue



1 (English)

2 Pointe and then change to the harbour pilot at Longue
3 Pointe.

4 Q. As compared to that system, what would
5 you foresee if the proposed system of the Shipping
6 Federation comes into effect?

7 MR. LALONDE: Before Captain Russell
8 proceeds, what he was referring to previously was the
9 hypothetical case of a compulsory change of pilot at
10 Longue Pointe? You were not referring to the present
11 situation?

12 THE WITNESS: No, sir, not the immediately
13 present system, no.

14 I am sorry, would you mind repeating your
15 question?

16 MR. BRISSET: Q. Under the system proposed
17 by the Shipping Federation and your sub-committee, what
18 would be the procedure if it were adopted, starting from
19 Quebec?

20 A. Starting from Quebec she would take a
21 pilot under the normal change, which pilot would take
22 her to Lanoraie, where she would then take the harbour
23 pilot who would bring her right up into Montreal, to
24 whatever berth she was proceeding to, or to the St.
25 Lambert lock. If she were ordered (because of con-
26 gestion or other reasons) to anchor at Lanoraie, the
27 river pilot would anchor her at Lanoraie and then, when
28 she was given permission to proceed up, the harbour
29 pilot would take her from Lanoraie to her final berth or
30 final destination in the Montreal area. So under



1 (English)

2 virtually any circumstance she would use only two pilots
3 instead of (as under the system I have just related) a
4 possibility of up to four pilots.

5 Q. And four ports' charges?

6 A. Correct.

7 Q. Let us take the example of a down-
8 river vessel now, say from the Seaway. Would you give
9 us an illustration showing how the system would operate
10 assuming, of course, that docking pilots operate in the
11 harbour, but with a change-over at Longue Pointe instead
12 of Lanoraie as you have suggested.

13 A. The down-river vessel would take the
14 docking or harbour pilot at St. Lambert, proceed down
15 to the harbour, and then she would have to slow down at
16 Longue Pointe. While she would be moving over the
17 ground at still a fair speed insofar as the ship is
18 concerned, she is virtually stopped in the water; so
19 the change-over would take some little time and cover
20 some little distance. Thereafter, the river pilot would
21 take her on through, changing normally at Three Rivers
22 and again take a docking pilot from Three Rivers to
23 Quebec. On the other hand, if she were moving down,
24 shall we say, to Sorel for topping off with grain or
25 for other reasons, the reverse situation to the one
26 already related would apply, involving still an
27 additional change of pilot at Lanoraie.

28 Q. Let us assume that the ship is going to
29 load grain in Montreal to top off but that the grain
30 elevators are not ready for her and she has to go down to



1 (English)

2 Lanoraie. What do you foresee?

3 A. This is a rather unpleasant circumstance
4 but it has happened.

5 Q. Is it frequent or not at certain times
6 of the year?

7 A. I would not really like to hazard a
8 guess or an estimate, but it has happened in the past
9 that for one reason or another the shipper of the grain
10 has either changed his orders to the elevators or it is
11 found that the particular grain required is not
12 available in Montreal so the vessel is ordered at the
13 last minute to proceed down-river to another elevator
14 where the grain is available. On the other hand, if
15 with congestion in Montreal the ship were to go down to
16 Lanoraie, she would take a docking pilot, change at
17 Longue Pointe under the again rather unpleasant
18 circumstances there, and the river pilot would take
19 her to Lanoraie. She would anchor and another river
20 pilot would board her again to bring her back out into
21 Montreal, again to change to docking pilots at Longue
22 Pointe before she got into the berth.

23 Q. Now, Captain, it might be said that by
24 extending the sphere of activity of the river pilot from
25 Sorel or Lanoraie to Quebec and vice versa an undue
26 burden would be put upon him. What have you to say in
27 this regard?

28 Q. I do not think it should. The passage
29 times of modern vessels in the river have materially
30 reduced. You could virtually say that the majority of



1 (English)

2 ships today have a speed of 13 or 14 knots, sometimes
3 greater, which very roughly would equate to about an
4 eight-hour passage from Quebec up to the vicinity of
5 Sorel and, Lanoraie being a little past Sorel, there
6 may be another half hour to Lanoraie.

7 Q. Captain, did your committee obtain from
8 Captain Catinus a statement taken from the records of
9 the pilotage office showing at random the times taken
10 by ships from Sorel to Quebec and vice versa during the
11 year 1963?

12 A. Yes, we did.

13 Q. I would ask you to identify the
14 statement and file it as Exhibit 962.

15 A. Yes, this is the statement.

16
17 ---EXHIBIT NO. 962: Statement of ships'
18 times from Sorel to
19 Quebec and Quebec to
Sorel in 1963.

20 Q. Am I right in understanding that this
21 statement covers the passage of vessels that actually
22 went to Sorel to dock?

23 A. Yes, we requested statistics on the
24 vessels which were actually proceeding to Sorel either
25 to load or discharge cargo.

26 Q. You are aware of the practice adopted
27 by pilots in filling in their pilotage charges. What
28 time is usually entered as the time of completion of the
29 passage?

30 A. The time the pilot would enter on



1 (English)

2 completion of his passage would, I would judge,
3 correspond with the time recorded by the ship as being
4 finished with engines after she had made fast alongside
5 or, in the reverse sense, when he was boarding or leaving
6 the vessel underway, as for example passing Quebec, it
7 would be the time that he took effective control or was
8 effectively relieved on the bridge.

9 Q. To dock a ship in Sorel until such time
10 as you are finished with engines, how much time would be
11 involved in the average - just a very rough average?

12 A. I would say on average from arriving
13 off Sorel to actually going alongside the grain loading
14 berth, perhaps half an hour.

15 Q. So that in the inward times on the
16 statement, to be more accurate you would have to deduct
17 about a half hour to determine the actual steaming
18 time?

19 A. Yes.

20 Q. The operation, of course, of relieving
21 the pilot in the stream is not as long as docking?

22 A. No, the ship has to slow down so she
23 would lose a certain amount of time. It is rather hard
24 to say exactly what this might involve but I would say
25 that perhaps ten or fifteen minutes would be lost in the
26 operation at Three Rivers, for example.

27 Q. I see. So the ten and fifteen minutes
28 lost in the operation of relieving the pilot at Three
29 Rivers would have to be taken into account also if such
30 was not taking place any more?



1 (English)

2 A. To arrive at the true steaming time,
3 yes.

4 MR. LALONDE: I have checked with Captain
5 Catinus who says he is not aware of having given such
6 a document ever. I would like some further evidence.

7 MR. BRISSET: I have the original letter
8 signed by Captain Catinus here which I will hand to my
9 learned friend.

10 --SHORT RECESS

11 --ON RESUMPTION:

12 MR. BRISSET: Q. Captain, I take it from
13 the evidence you have given us so far on the practical
14 aspects of changing from harbour to river pilots and
15 vice versa at Lanoraie, your proposal would simplify
16 despatching?

17 A. Correct.

18 Q. Is that putting it properly?

19 A. Very much so.

20 Q. You will appreciate on the other hand
21 that possibly if this occurs there will be at the
22 beginning during the period in which the change is
23 effected possibly a surplus of river pilots and a short-
24 age of harbour pilots?

25 A. Yes.

26 Q. Do you foresee any difficulty in the
27 readjustment that will have to take place?

28 A. No, apart from perhaps the immediate
29 preference of any one individual, but in general, no.

30 Q. Do you foresee that there would have to



1 (English)

2 be a training period for the harbour pilots to acquaint
3 them with the stretch through which they will have to
4 pilot, something they are not doing now?

5 A. The additional area over and above their
6 present area? Yes, there would be a short training
7 period but I do not think it would be a difficult
8 question or a very prolonged one.

9 Q. In other words, you foresee a re-
10 adjustment period?

11 A. There would have to be some readjustment
12 period, yes.

13 Q. But no difficulty that would be
14 insurmountable?

15 A. No.

16 Q. While on the practical aspects of the
17 proposal, would you have anything to add in relation to
18 the customs and immigration services and the Seaway
19 inspections services and how that could be a factor?

20 A. Yes, at the present time everything is
21 done at Longue Pointe for a vessel that is not otherwise
22 calling in Montreal for other reasons, commercial
23 reasons, but is just working cargo or taking bunkers.
24 For this type of operation I would suggest that this
25 could very well take place down at Lanoraie.

26 Q. Would you see an advantage in that?
27 In combining this service with the change-over of pilots,
28 would you see any advantage?

29 A. Yes, the vessel would still have to
30 anchor, of course, because the procedure takes a little



1 (English)

2 too long for it to be accomplished by a vessel on the
3 run, so to speak. She would still have to anchor but
4 this again is a suitable and practical time coinciding
5 with the change-over of pilots.

6 Q. I suppose the same considerations would
7 apply with respect to the particular suitability of the
8 place, namely Lanoraie anchorage, to do all this work?

9 A. Yes. I would venture to suggest that
10 the harbour master in Montreal might be quite happy to
11 have such an arrangement which would relieve Longue
12 Pointe of some of this movement in the area.

13 Q. Which also, I take it, increases
14 congestion in that particular spot?

15 A. Correct.

16 Q. There has been question before this
17 Commission of a take-over by the harbour authority of
18 the jurisdiction over harbour pilots and administration
19 of harbour pilotage. Do you know of other ports where
20 you have called in your years at sea at which this
21 system exists?

22 A. Where the pilots are administered and
23 despatched directly by the harbour authority?

24 Q. Yes.

25 A. Yes, South African ports and I believe
26 also the port of Calcutta, India.

27 Q. Do you know particularly of the
28 situation in the port of Calcutta?

29 A. Yes, the outer pilots board --

30 MR. LALONDE: Of what year are you speaking?



1 (English)

2 THE WITNESS: This is going back quite a
3 long time to the late forties - about 1947 or 1948.

4 MR. LALONDE: After or before Independence?

5 THE WITNESS: Before. The outer pilot would
6 board in an area known as the Sandheads and he would take
7 you up the river to a point somewhat below the main part
8 of Calcutta and then he would be relieved by an
9 individual or an official whose title, if I remember
10 correctly, was Assistant Harbour Master. He then would
11 take you, in our particular case, into the outer lock
12 of the Kitapur docks. He would dock in and he would
13 actually take you to the berth in the dock.

14 MR. BRISSET: Q. I take it the harbour
15 master or the assistant harbour master was under the
16 control and authority of the port authority there?

17 A. Of the harbour master, yes.

18 Q. What about the river pilot?

19 A. It is a long time ago but I would judge
20 that the river pilot was a member of a group of pilots,
21 probably organized in an association over which the
22 government in general had jurisdiction.

23 Q. Rather than the port authority itself?

24 A. I would say so, yes, because there
25 would be other local jurisdictions further down the
26 river.

27 Q. Insofar as possible future development
28 on the south shore - and by that I mean the construction
29 of docks and so forth - do you foresee such a develop-
30 ment in the years to come?



1 (English)

2 A. From all general trends and from what
3 one reads, yes. Industry is developing down there and
4 it is basically the type of industry that requires, I
5 would judge, considerable movement of fairly heavy bulk
6 raw materials and potentially also a movement of
7 finished products - outward again - and certainly some
8 by water.

9 Q. What about Contrecoeur? What does
10 exist at the moment at Contrecoeur and what is forecast
11 for the future?

12 A. At the moment Contrecoeur or the
13 ore dock at Contrecoeur consists of a fairly large dock
14 built out from the basic shoreline which can berth very
15 large vessels principally to discharge ore which is then
16 either moved on by rail or, in many case, transferred to
17 lakers. There is also a secondary berth there where a
18 laker can dock at the same time as the ocean ship. It
19 is there in order that a direct transfer by belt from
20 one ship to the other can be effected. I would hesitate
21 to be exact about future developments there, but I know
22 that when the Seaway opened the people who owned it did
23 actually put out various feelers to the effect that they
24 wished to dispose of it, but now I do not think they
25 would sell it at any price. This is rumour but I
26 believe it is correct.

27 Q. While you were with Federal Commerce &
28 Navigation as Operating Manager did you have ships
29 going into Contrecoeur?

30 A. I have had ships going into Contrecoeur



1 (English)

2 and since I have been in my own business I have had
3 ships going into Contrecoeur.

4 Q. Could you describe the operation of
5 docking in Contrecoeur? Is there a special channel?

6 A. The approach to the Contrecoeur dock
7 is dredged or stretches off the main channel. For a
8 vessel inbound it is a fairly straight reasonable
9 approach; there is no extreme problem where a ship has
10 to make a nasty turn or anything like this. On the
11 other hand, it could be a little tricky with a strong
12 wind blowing, particularly a cross-wind.

13 Q. Do you see an advantage in having
14 docking pilots specialized for that job?

15 A. Yes, I do because the ships going in
16 there are usually large and fully loaded, which means
17 they are very heavy and deep in the water and their
18 total weight - and I am thinking of a ship carrying
19 perhaps 20,000 tons of cargo is probably 28 or 29,000
20 tons. You have a lump of 20,000 tons of cargo and
21 possibly 8 or 9,000 tons of ship as well.

22 Q. What in your experience is the average
23 size of the ship going into Contrecoeur with bulk cargo
24 of iron ore coming from the Lower St. Lawrence?

25 A. About that size or larger.

26 Q. When you say larger, how big do you
27 mean?

28 A. 30 to 35,000 tons.

29 Q. Are you speaking of dead weight?

30 A. Dead weight capacity.



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Russell, dir.ex.
(Brisset) 13663

1 (English)

2 Q. What is the length of those ships?

3 A. The average ocean carrier, bulk carrier
4 of say 20,000 tons capacity will have a length some-
5 what in excess of 600 feet usually and the 30 to 35,000
6 ton class would be over 700 feet.

7 Q. To what draught would they be loaded to
8 come into Contrecoeur?

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1 (English)

2 A. As much as they can within the river
3 channel. In other words, the draught of ships of this
4 size, frequently their fully loaded draught, where there
5 is no other restriction, is frequently in the order of
6 33 to 35 feet.

7 Q. Now, are you aware of whether additional
8 facilities are to be added to the present one at
9 Contrecoeur or is that in the plans as far as you have
10 been able to ascertain?

11 A. I couldn't say.

12 Q. Has there not been a question that
13 Dominion Steel & Coal were to have plants near Contre-
14 coeur at some future date?

15 A. I understand they have but whilst it is
16 of interest to me commercially, personally, I have not
17 been able to establish whether they were going to make
18 some arrangements with Contrecoeur or eventually to build
19 one of their own.

20 Q. If they were to use Contrecoeur would
21 that mean that additional berthing facilities would have
22 to be built?

23 A. Depending on the volume involved and the
24 type of cargo involved, yes, it could.

25 MR. BRISSET: That is all.

26

27 CROSS-EXAMINATION BY MR. LALONDE:

28 Q. Captain Russell, you forecast a develop-
29 ment of Montreal Harbour down-bound probably as far as
30 Sorel Harbour. Is that correct?



1 (English)

2 A. I believe so, yes.

3 Q. Is it not a fact that you also have
4 pretty wide development in Sorel Harbour, in and around
5 the vicinity of Sorel?

6 A. Yes, I believe so although I don't see
7 that Sorel Harbour can expand very much more.

8 Q. Because of what?

9 A. The question of further major construc-
10 tion which means all the space down there, as I recall,
11 is virtually taken up.

12 Q. Sorel is pretty well fully developed
13 by now?

14 A. Yes.

15 Q. You have certainly been made aware of
16 development plans around Lake St. Peter and Consecours
17 and in that area?

18 A. Yes, I know very little about it.

19 Q. By reading about it in the papers like
20 everybody else?

21 A. Yes.

22 Q. Is it not a fact that to assume that
23 over a generation, which is probably as far as this
24 Commission wants to think, you will have development
25 pretty well all along the river for various industries
26 and docks between let us say the upper part of Lake St.
27 Peter and Montreal; Three Rivers and the steel develop-
28 ment, if it takes place, and Sorel and the Harbour of
29 Montreal. Would it be fair to assume that in your
30 opinion?



(English)

A. I would think so.

Q. That would be a fair forecast of what might take place?

A. I would think so, yes.

Q. So that in effect one can foresee the day when between Montreal and the upper part of Lake St. Peter you would have docks, I wouldn't say all along the river, but here and there every couple of miles. You would have installations for ships?

A. I think that the use of the point of the Head of Lake St. Peter is a little too vague. Now, the Head of Lake St. Peter is virtually a mass of small islands. I do not see that it can really be used. I think this side of Sorel and really from there.

Q. Would you say as far as Bay Contrecoeur?

A. On one side. From the others, you have Three Rivers also which is developing. Bay Contrecoeur is the lower end of Lake St. Peter, is it not?

Q. It is below Three Rivers, yes.

A. I wouldn't say as far down as that in the context in which you are speaking, certainly not in our lifetime.

Q. How is it your name does not appear as a member of the Shipping Federation for the firm, Enterprise Marine Company?

A. Wilson Shipping Corporation.

Q. It is the same thing?

A. Not entirely, but virtually so.

Q. I must say I am a little bit confused.



1 (English)

2 You said you had your own business, Enterprise Marine
3 Company and you are a member of the Shipping Federation
4 under Wilson Marine?

5 A. That is correct, Wilson Shipping
6 Corporation which is another company which I represent
7 here in Montreal.

8 Q. I see. And it is under that title that
9 you are a member of the Shipping Federation not under the
10 title of Marine Enterprise Company?

11 A. That is right.

12 Q. Enterprise Marine Company is not a
13 member of the Shipping Federation?

14 A. Not by that name, no.

15 Q. This sub-committee which was set up by
16 the Shipping Federation had four members, I see?

17 A. Yes.

18 Q. You said that you yourself had come
19 ashore in 1951. Would you have any idea when Captain
20 Tyler stopped sailing?

21 A. Not specifically, no and this will be
22 open to very wide correction but it seems to me probably
23 about 1955 or 1956.

24 Q. And Mr. Erlander?

25 A. On him I have no idea at all.

26 Q. Have you known him to be in business in
27 Montreal for several years?

28 A. Captain Erlander?

29 Q. Yes.

30 A. Oh yes, I have seen him at Federation



1 (English)

2 meetings for several years.

3 Q. Would you say he stopped sailing before
4 you did?

5 A. I wouldn't even hazard a guess or
6 opinion.

7 Q. I wouldn't ask you to make a guess as
8 to Captain Matheson. You state that the trip to
9 Lanoraie might take about four hours. Did you state
10 this as a guess or did you make any statistical study
11 to this effect?

12 A. I made no actual statistical study but
13 taking, shall we say, memory and observation of the time
14 actually required for a vessel to get out of the Seaway
15 and proceed down to a point in Montreal Harbour roughly
16 to a point of Boucherville where you are going forward,
17 going full speed. It is a question of distance
18 divided by speed.

19 Q. You would give the same approximate
20 time upwards as downwards?

21 A. Roughly the same, bearing in mind a
22 ship is stemming the current coming up as opposed to
23 running with it going down.

24 Q. Does that make any difference?

25 A. It makes some difference but not very
26 material over that short distance.

27 Q. You referred to the number of trips
28 per day made by harbour pilots. Obviously you counted
29 on an average over nine months. Do you know that pilot's
30 work is not master's work in the sense that he is not



1 (English)

2 aboard ships or on duty so many hours a week which are
3 specified regularly from week to week and there are
4 slack and peak periods of the year which in effect would
5 mean that you may have several moveages one day and
6 nothing another day. Do you agree that in any forecast
7 or calculation which would have to be made, you would
8 have to take into account the peak period factor in the
9 sense that ships must not be made to wait at peak
10 periods for hours which is when there would be no pilots
11 available? Would you say you have to take this into
12 account?

13 A. That has to be taken into account within
14 limits of, shall we say, the reasoned approach to it.
15 Even today you could have a sufficient number of pilots
16 available for every possible contingency but in fact
17 there would be far too many for a reasoned average so
18 that, yes, this has to be approached in this sense but
19 also with reason.

20 Q. Would it be your stand that ships could
21 be made to wait once in a while without too much trouble
22 for a couple of hours in order to keep the number down?

23 A. I could never take that stand but it
24 happens.

25 Q. Would you say that it should happen more
26 often or it should be reduced or as much as possible
27 avoided?

28 A. I think this is rather a theoretical
29 thing to be able to bring out but, let us say, that I am
30 sure that it could be so arranged that the question of



1 (English)

2 delay, waiting for a pilot to become available should
3 not change from the past into the future. In other words,
4 I am sure this can be thought out.

5 Q. In other words, you want to have enough
6 men available to cope with peak periods unless it is
7 extraordinary circumstances?

8 A. Not necessarily. Don't mistake me.
9 Not necessarily the ultimate peak. You could have a
10 peak built up for any number of circumstances which are
11 unusual while the cost of doing this, to cope with such
12 peak, is unreasonable.

13 Q. You know, or maybe you do not, that
14 you might have certain times during the year up to 30 or
15 35 moveages in Montreal Harbour.

16 A. Yes.

17 Q. At any rate, Captain Ligtermoet
18 testified to that effect last week. Under your plan,
19 Montreal harbour pilots would have to do these moveages
20 in what is presently known as Montreal Harbour for
21 pilotage purposes and do you agree with that?

22 A. Yes.

23 Q. Which, in effect, would mean that you
24 could not leave pilots stationed at Lanoraie all the
25 time in the sense that you would have to have enough
26 men in Montreal itself to cope with all the moveages in
27 the harbour itself. Would this be in your plan?

28 A. I think this is a question for the
29 person designated to administer, that he obviously is
30 going to have the availability of statistics and



1 (English)

2 expectations at his command where he will be able to
3 judge the number of pilots he would need at the Montreal
4 end as opposed to the Lanoraie end.

5 Q. If I understand you correctly, you have
6 not made a detailed study as to the additional number of
7 men which would be required?

8 A. No.

9 Q. Under your plan?

10 A. No.

11 Q. Was the report of the four members
12 unanimous?

13 A. Yes.

14 Q. Your statement as to the experience at
15 Calcutta goes back almost twenty years but even for
16 that particular time, are you basing your statements on
17 conversations with pilots at the time?

18 A. Yes, and observations.

19 Q. And have you ever looked at the by-laws
20 or regulations governing these pilots, under whose
21 authority they would come exactly?

22 A. Not in recent times, no.

23 Q. Even at that time, 1946 or 1947?

24 A. It seems to me that I did at that time.

25 Bearing in mind I was not actually the master of the ship
26 at that time. I was a bridge officer. We usually have
27 to familiarise ourselves in part with the regulations.

28 Q. That is how far you would have gone in
29 this respect?

30 A. Virtually so, yes.



1 (English)

2 Q. Would the same apply to the South
3 African ports you referred to?

4 A. Yes. The organization there, of
5 course, is a little different, partly because of the
6 actual geographic layouts of the port and where there
7 was virtually no river or channel pilotage at all. The
8 pilot who takes you in is also docking. That is he
9 meets you just outside the breakwater.

10 Q. And that would be how long ago also?

11 A. About the same area of time.

12 Q. Have you sailed in English ports and
13 European ports in your sea experience?

14 A. Not in continental Europe, in English
15 ports, yes.

16

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1 English

2 Q. I notice that your plan would make
3 for a river pilotage trip of about approximately 104
4 miles between Quebec and Lanoraie. Would that be
5 correct?

6 A. Roughly, yes.

7 Q. Would you know of any other river
8 pilotage district in England which would be as long
9 as this one?

10 A. The Outer London Pilotage.

11 Q. Between what?

12 A. Dungeness and Gravesend.

13 Q. I submit to you the channel between
14 Sunken Light Vessel and Gravesend is about seventy
15 miles?

16 A. The Sunken Light Vessel is for ships
17 approaching London other than the area of the English
18 Channel itself. If you are coming from Canada you
19 take the outer pilot at Dungeness.

20 Q. How many miles is that?

21 A. I am not sure. It must be in the
22 order of 100 miles.

23 Q. Would you call this a dredged channel
24 of pilotage from Dungeness to Gravesend?

25 A. Not in total, in part.

26 Q. Do you know that they change pilots
27 at Gravesend?

28 A. Yes.

29 Q. And there you are in a dredged narrow
30 channel?



1 A. You are actually in the river there.

2 Q. Do you know how far it is from
3 Gravesend to the entrance of London Harbour itself?

4 A. You could be going into Tilbury
5 Dock. Up to the entrance of the Royal docks; I
6 am speaking from memory, somewhere about twenty to
7 twenty-five miles.

8 Q. I submit to you it is a distance of
9 of about sixteen miles?

10 A. Yes, it is possible.

11 MR. LALONDE: Thank you.

12
13 EXAMINATION BY MR. JACQUES:

14 Q. Captain, in which part of the world
15 do you trade?

16 A. Mostly on the North Atlantic trade.

17 Q. Would you name a few ports?

18 A. Most of the British ports: Glasgow,
19 Liverpool, South Wales, Bristol, Hull. On this
20 side virtually all the eastern Canadian ports:
21 Montreal, Quebec, Port Alfred, Saint John, Halifax,
22 New York, Boston, Baltimore. I have also been into
23 New Orleans and Tampa and many of the ports in the
24 West Indies and Central America.

25 Q. As Master which ports did you frequent
26 most often?

27 A. At the time I was Master most of the
28 ports were either in the West Indies or the Eastern
29 Canadian coast or on one occasion I did go into
30 Liverpool and South Wales ports and Rio de Janeiro.



1 English

2 Q. All these ports provided pilotage
3 services, compulsory or not compulsory I do not know?

4 A. Yes.

5 Q. And as Master did you make use of
6 these pilotage services available?

7 A. Yes, I did, as was the local practice;
8 shall I say, as was organized.

9 Q. As your position as Master of the vessel
10 why did you take pilots?

11 A. You take pilots for a variety of
12 reasons. Principally, I think, the first thing in
13 the Master's mind coming in is that he probably is
14 not completely up to date with local shipping movements
15 within the harbour involved. Also, of course, in
16 most ports and countries pilotage is a legal necessity
17 in the sense that either you must take a pilot or you
18 must pay the due, so you may as well have the services.
19 You take into account the movement of your vessel
20 expeditiously with due safety.

21 Q. Now, has there been any occasion where
22 pilotage services were available and you did not use
23 the services?

24 A. Yes.

25 Q. Would you tell us about that?

26 A. I have not for example taken an outer
27 pilot into Rio de Janeiro. I went into quarantine
28 entry which is up-channel about ten miles, to the
29 quarantine anchorage there. The docking pilot took
30 us to the actual berth after we had passed the local



1 English

2 requirements of quarantine and immigration inspection.

3 Q. Would you describe that channel?

4 A. The Rio harbour itself is not a river.
5 I suppose a geologist would call it a fault in the
6 surface where the channel is. First of all, on the
7 outside on the coast itself there are two or three
8 islands. You have to go behind the islands to make
9 into the channel leading up.

10 Q. How wide is the channel?

11 A. Once you are inside the island I would
12 say it is about 400 yards.

13 Q. How long is that channel?

14 A. I would think about ten, fifteen,
15 or sixteen miles.

16 Q. Are there any other occasions when you
17 did not use pilots?

18 A. Yes. There are some ports you go to
19 that you will take a pilot under any circumstances.
20 I have already related that where you feel the need to
21 know the exact situation of various vessels in the
22 harbour and you cannot see too clearly as you come in.
23 There are one or two such places that I have taken
24 a pilot in and not used him out.

25 MR. BRISSET: What place?

26 THE WITNESS: Bridgetown, Barbados,
27 and Port-of-Spain, Trinidad.

28 Q. Bridgetown is on the sea?

29 A. It was in those days. You just
30 go in and anchor.



1 English

2 Q. Now in the places you have just
3 mentioned, either South America or the West Indies,
4 are there any places comparable to the Eastern Canadian
5 seaports?

6 A. As far as the St. Lawrence is con--
7 cerned coming up as far as Montreal I would say No,
8 unless you might say New Orleans, even that is not
9 quite the same. The Harbour of Halifax I think
10 could be described in a similar fashion to some of
11 the harbours down there.

12 MR. JACQUES: Thank you.

13 COMMISSIONER SMITH: This question
14 may have been covered in part by Mr. Jacques' questions.
15 I will ask it again: In your navigation of the St.
16 Lawrence River and other Canadian ports did you always
17 take a pilot?

18 A. Yes, sir.

19 Q. Always?

20 A. Yes.

21 Q. And for safety or convenience pur-
22 poses or both?

23 A. I think it was a question of both.
24 Please understand that as Master of a vessel you have
25 the safety in mind and also when you take a pilot you
26 are unaware of the pilot's capabilities so you always
27 have a question of some reserve.

28 THE CHAIRMAN: That is the reason why
29 in the West Indies you had a pilot and didn't use him?

30 THE WITNESS: Yes.



1 English

2 THE CHAIRMAN: It was only his local
3 knowledge of how the traffic was in the harbour, that
4 is all you needed?

5 THE WITNESS: That is right.

6 THE CHAIRMAN: Are there any further
7 questions of Captain Russell?

8 Thank you very much, captain.

9 MR. BRISSET: Now I have some exhibits
10 to file at this stage that we were asked to produce.
11 The first one, I do not know whether it was given a
12 number or not, consists of copies of the Minutes of
13 the meetings of the Pilotage Committee of the Shipping
14 Federation of Canada, which meetings were held
15 respectively on November 23rd, 1962, and December 11th,
16 1962, and which related to the submission to be made
17 before this Commission.

18 THE SECRETARY: There was a number
19 given to this.

20 MR. BRISSET: Perhaps they could be
21 attached to the Minutes of the meetings of the members
22 which were filed.

23 THE SECRETARY: Could this be
24 attached to Exhibit 945, which you have described as
25 Submission to the Royal Commission from the Shipping
26 Federation or another exhibit referring to the
27 meetings that briefs be submitted to the Commission?

28 MR. BRISSET: Yes. What number is
29 the last one?

30 THE SECRETARY: 926, Minutes of



1 English

2 meeting of Shipping Federation where the brief of the
3 Commission was discussed.

4 MR. BRISSET: My lord, we were asked
5 I think by this Commission if possible to submit the
6 figures to indicate what were the loss of the vessels
7 that were delayed by reason of the strike. We have
8 not been able so far to obtain any useful information
9 for this Commission. I would like to be given the
10 opportunity to do it at a later date if we could do
11 it.

12 THE CHAIRMAN: Of course.

13 MR. BRISSET: However, we have ob-
14 tained from the New York Shipping Association Inc.
15 through the Merchant Marine Institute with which the
16 Federation works, a document containing information
17 which was placed before Congress in connection with the
18 losses to the shipping industry and the country as a
19 whole resulting from the longshoremen's strike in
20 the Atlantic and Gulf ports.

21 Of course this is entirely different
22 from our situation but it gives an idea of what is at
23 stake and perhaps this would be of use to the Commis-
24 sion.

25 With your lordship's permission I
26 would like to file this document as 963.

27 ---EXHIBIT NO. 963:

28 Document from New York
29 Shipping Federation re Long-
30 shoremen's strike.

MR. BRISSET: Finally, my lord, we



1 English

2 were asked I think during the Quebec hearings to
3 obtain an explanation of the delays that some ships
4 that came to Les Escoumains during the strike had to
5 encounter. You will recall that there was a file
6 on ships that proceeded without pilots from Les
7 Escoumains to Quebec. I apologize I cannot give
8 the number of the exhibit at the moment,

9 What we have done in this regard
10 is Captain Matheson wrote to the company or the agents
11 involved in respect of each of these vessels and in
12 some cases had replies and in other cases had no
13 reply. Out of the replies received a list was
14 prepared following in the same sequence the names
15 of the vessels listed in the exhibit.

16 There was added to the information
17 already contained in the exhibit the time taken by the
18 vessel to reach Quebec from Les Escoumains and the
19 explanation. We felt that it would have been too
20 time consuming to ask each and everyone of those
21 agents to come here. We have the letters which we
22 can deposit with the counsel for the Commission if he
23 wants to look at them and if my friend wants to look
24 at them. To simplify the work we have prepared
25 a statement, which is a summary of the explanations.
26 I would like to file this document to be attached to
27 the other one once we find the number.

28 MR. LALONDE: My lord, I have no
29 objection to the production of the document except
30 drawing to the attention of the Commission my friend's



1 English

2 statement that this is a partial answer.

3 THE CHAIRMAN: Should you wish to see
4 the correspondence you may have a look at it.

5 MR. BRISSET: The exhibit is No. 706.
6 My lord, this completes at this stage the evidence of
7 the Shipping Federation of Canada. We had indicated
8 that possibly we would review the recommendations con-
9 tained in the brief of the Federation of Pilots. In
10 working on this, my lord, we find that it would be more
11 or less argument rather than evidence and possibly
12 this could be delayed until the stage of the argument
13 is reached.

14 THE CHAIRMAN: I think so.

15 MR. BRISSET: Otherwise we would engage
16 into just pure argument.

17 THE CHAIRMAN: Thank you very
18 much. I guess we will adjourn. We won't take
19 another witness at this time.

20 MR. LALONDE: I have a witness from
21 the Immigration Department. He will be available
22 after the adjournment.

23 THE CHAIRMAN: We have ten minutes.
24 Do you think you have enough time

25 MR. LALONDE: We might try. I will
26 have other witnesses also this afternoon. We will not
27 be able to adjourn for the afternoon. We have to
28 come back this afternoon.

29 THE CHAIRMAN: In that case I think
30 it is preferable to adjourn right now until two-thirty
this afternoon.

--Luncheon adjournment--



1 English

2
3 ---Upon resuming at 2.30 p.m.

4
5 PRESENTATION ON BEHALF OF THE ST.
6 LAWRENCE RIVER PILOTS, ETC.

7 MR. LALONDE: Mr. Fox, please

8
9 HENRY JAMES FOX, sworn

10 THE SECRETARY: What is your full
11 name, please?

12 THE WITNESS: Henry James Fox.

13
14 DIRECT EXAMINATION BY MR. LALONDE:

15 Q. Would you please give your functions?

16 A. I am the Supervising Immigration
17 Officer of the Montreal Harbour.

18 Q. Can you state to this Commission what
19 your functions are, in general terms, summarily?

20 A. I am responsible for the application
21 of The Immigration Act for the Montreal Harbour.

22 Q. What does this mean in practice con-
23 cerning the crew of vessels?

24 A. The control of crew members and proper
25 documentations, according to regulations.

26 Q. If an American vessel is proceeding
27 through Montreal Harbour and wishes to disembark some
28 member of the crew, what are the procedures, if any,
29 to follow under the regulations at the present time?

30 A. By passing through, do you mean going



1 English

2 direct without stopping?

3 Q. Well, whether they stop or not, if a
4 member of the crew wishes to disembark, what is the
5 procedure which is followed?

6 A. The ship must be entered for immi-
7 gration purposes on a crew manifest form, MI200 and
8 the Master or his agent must present the man for dis-
9 charge to Immigration officers.

10 Q. Where does this take place?

11 A. Usually at the office, 746 Common
12 Street, Montreal.

13 Q. Where does the ship go for this pur-
14 pose? Does he drop anchor or wait at St. Lambert
15 Lock, or does he go to Longue Pointe or Lanoraie?
16 What is the ship required to do?

17 A. Ships in transit to the Seaway
18 usually stop at Longue Point, which is a Port of Entry
19 for our purposes.

20 Q. So if a foreign ship -- I am referring
21 here to an American ship -- coming down the Seaway
22 wishes to disembark a member of the crew in Montreal
23 that ship goes to anchor at Longue Pointe and the
24 Master of the crew, or an officer, I suppose, comes
25 with the member of the crew concerned to your office
26 at the Immigration Department? Is that right?

27 A. Mostly. Yes, the Act says he
28 should present the man. Normally the agent does
29 that for the Master.

30 Q. Could this procedure take place with



1 English

2 the ship at St. Lambert Lock or does the ship go to
3 your check point at Longue Pointe?

4 A. The Port of Longue Pointe was so
5 designated to handle Seaway traffic.

6 Q. To your knowledge have members of the
7 crews of American ships left those ships while the ship
8 was at St. Lambert Lock during 1962 or 1963?

9 A. To my knowledge members of the crews
10 of American ships ---

11 Q. Yes?

12 A. --- have not left American ships at
13 St. Lambert Lock during 1963.

14 Q. Have you received during 1962 or 1963
15 representations to the effect that some people, calling
16 themselves pilots, would have got off American ships
17 at St. Lambert Lock?

18 A. During 1963 I had occasion to examine
19 two Americans from U. S. ships that had disembarked
20 at St. Lambert Lock as pilots.

21 Q. Would you give their names to this
22 Commission, please?

23 A. One was Robert Crawford and the other
24 John Rankin.

25 Q. Could you tell the Commission the
26 events which took place when you were informed of this
27 fact? Were you informed by these two gentlemen?

28 A. They appeared at my office in front
29 of me.

30 Q. When was that, approximately?



1 English

2 A. Approximately April, 1963.

3 Q. Yes?

4 A. And informed me that they had dis-
5 embarked from an American ship at which time during the
6 course of the conversation I informed them of our
7 procedure regarding the handling of crews or crew
8 members disembarking for discharge; also the steps
9 that would have to be taken to implement our procedure.

10 When this was done they both explained
11 that they were pilots in the employ of, I believe, it
12 is the United States Steel Corporation and used as
13 pilots aboard their ships.

14 Q. You made notes roughly at the time of
15 your meeting with them?

16 A. No, for our purposes this would be
17 equivalent to a border crossing or domestic flight
18 crossing type of examination.

19 Q. So these gentlemen told you they were
20 pilots aboard these ships?

21 A. Yes.

22 Q. So what answer -- what followed this
23 assertion by them?

24 A. First of all I went to one of the
25 Departments of Transport to confirm whether or not
26 under the Department of Transport laws it was possible
27 for them to serve as pilots in the Seaway. Having an
28 affirmative answer I then laid on our procedure for
29 their reporting.

30 Q. Before we go into the procedure for



1 English

2 reporting, would you tell us whom you saw at the
3 Department of Transport in this respect?

4 A. I had a telephone conversation with
5 Mr. Fred Scantlebury of the local Shipping Master's
6 Office.

7 Q. Then you said you explained the pro-
8 cedure to be followed to these gentlemen?

9 A. That is right.

10 Q. Would you explain to the Commission
11 what the required procedure was?

12 A. Going into the details of our require-
13 ments I learned that it was their intention to upbound,
14 embarking on one of the American ships as far as
15 another Canadian port at Fort Weller, Ontario, and
16 there disembark.

17 Q. Port Weller?

18 A. Port Weller, and for this service I
19 considered they had not gone out of Canada so if they
20 embarked on a ship from Port Weller and came back to
21 St. Lambert for all intents and purposes of The
22 Immigration Act they had not gone out of Canada, so
23 therefore for our purposes there was no examination
24 required.

25 Q. Does this mean in effect each of them
26 could board at any time, let us say, at Port Weller
27 and disembark at St. Lambert Lock without having to
28 give any notice to you after?

29 A. That is quite right.

30 Q. Did you have any further reports from



1 English

2 these gentlemen later on in the year 1963?

3 A. Yes, they came into the office several
4 times for examination.

5 Q. Why was this? Was it because they
6 had not embarked at Fort Weller on those instances?

7 A. They had either disembarked in the
8 United States or had been ashore in the United States
9 and just came from the United States and therefore
10 they presented themselves in accordance with our
11 requirements for examination.

12 Q. The type of examination was a kind
13 of formal examination?

14 A. It is the normal examination that
15 takes place at the border.

16 Q. And on each of these occasions did
17 the gentlemen report to you as against pilots from the
18 ships?

19 A. Yes.

20 Q. Did any other gentlemen than these two
21 report to you as being in a similar situation?

22 A. One of the gentleman named Mr. Crawford
23 or Mr. Rankin appeared at the office with another
24 gentleman by the name of Ashley or Ashburne.

25 Q. Yes?

26 A. Stating that he would accompany them
27 on their trip as an observer. The same procedure
28 was laid down for Mr. Ashley.

29 Q. Was he called an observer or an
30 apprentice or a trainee? Have you any idea?



1 English

2 A. I would hesitate to say.

3 Q. Was it stated to you this other
4 gentleman would accompany these other gentlemen
5 regularly?

6 A. Yes.

7 Q. Have you ever received a visit from
8 another gentleman by the name of Neil Macpherson
9 who would be accomplishing the same function?

10 A. I can't recall the name personally,
11 but he might have been in when I wasn't there.

12 Q. It would have been on August 23rd
13 or 24th, 1963. He would have got off the ship
14 M.S. Yieldum?

15 A. I can't recall meeting theman.

16 Q. Did you have correspondence with the
17 Department of Transport or other people concerning this
18 matter?

19 A. Yes. We received a copy of a memoran-
20 dum from the Department of Transport -- may I refer
21 to it?

22 Q. Yes, please.

23 A. It was from the Superintendent of
24 Pilotage, D. R. Jones, addressed to Mr. J. R. Robillard,
25 Acting Chief Operations Division, Department of Citizen-
26 ship and Immigration, dated at Ottawa November 29th,
27 1963.

28 Q. Yes?

29 A. This in turn was sent down by Mr.
30 Robillard to the Administrator, Eastern Legion,



1 English

2 Immigration, on December 30th.

3 Q. That is not yourself?

4 A. No, that is not myself.

5 Q. Did you answer this memorandum?

6 A. I answered this memorandum.

7 Q. Yes. Would you have objections to
8 filing this correspondence?

9 A. I have been directed to do so by Mr.
10 Robillard, Chief of Operations.

11 MR. LALONDE: My lord, I would like
12 to file these documents in a bundle as Exhibit ---

13 THE SECRETARY: 964.

14 MR. LALONDE: Correspondence between
15 the Department of Transport and the Immigration Depart-
16 ment concerning the employment of United States pilots
17 in the St. Lawrence Seaway System.

18 ---EXHIBIT NO. 964:

19 Correspondence between the
20 Department of Transport and
21 Immigration Department con-
cerning employment of United
States pilots in the St.
Lawrence Seaway.

22 MR. LALONDE:

23 Q. I notice that in your memorandum of
24 January 22nd, 1964, you have a paragraph, bearing No. 3,
25 which states:

26 "The two pilots concerned, Robert
27 Crawford and John Rankin, are American
28 citizens. They both possessed U. S.
29 Master's licences and First Class Pilots'
30



1 English

2 Certificates valid for Duluth-Montreal."

3 Did you check those certificates as to whether they
4 were validated up through Duluth to Montreal?

5 A. No, I didn't.

6 Q. Was this statement familiar to you that
7 their certification was to that effect?

8 A. This is their statement.

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1 English

2 COMMISSIONER SMITH: Excuse me a
3 minute. Those certificates from Duluth to Montreal,
4 I presume, were certificates that gave them all the
5 rights that they needed to pilot ships in that area
6 but in addition to that I understand that they were
7 special pilots for the United States Steel Corporation,
8 which also vested in them some other powers to pilot
9 the U. S. Steel ships. I mean they had a sort of
10 double-barrelled assignment.

11 THE WITNESS: This I am not aware of.
12 I examined them as Americans coming into Canada for a
13 temporary purpose. Normally with the certificates,
14 especially a captain or a master, we will not check
15 but we assume their word is good. Under the law
16 he must answer our questions truthfully.

17 COMMISSIONER SMITH: I am thinking
18 there were special pilots as well as certificated.
19 Under the system they have, however, they give the
20 certificate to a pilot for certain areas.

21 THE WITNESS: This is probably quite
22 true.

23 COMMISSIONER SMITH: All right, thank
24 you.

25 MR. BRISSET: If I may assist here,
26 we have come across the problem quite a bit. The
27 United States Coast Guard, if I understand the position
28 correctly, will issue what I call pilots' licences to
29 anybody who has, say, a Third Mate Certificate and
30 has had twelve trips, I think, in the waters for which



1 English

2 he is qualified. The twelve trips do not have to
3 be as an officer. If these trips are done as a deck
4 boy it will qualify him as a pilot. Here we are
5 entering into the problem of semantics as to what
6 is a pilot and what is not a pilot.

7 COMMISSIONER SMITH: And once he
8 has a certificate of some kind or another he is enabled
9 to sell his services profitably as a special pilot to
10 an individual company.

11 MR. BRISSET: Probably.

12 MR. LALONDE: I wish to refer the
13 Commission to the statement to Mr. Robillard of
14 November 29th, 1963, where they raise this point:

15 'There is unfortunately confusion
16 due to the differences in terminology.
17 In American usage the term 'pilot'
18 is frequently applied to an officer
19 serving on his ship whom Canadians
20 would describe as a 'mate'."

21 MR. BRISSET: Watch-keeping officer.

22 MR. LALONDE:

23 Q. I notice your memorandum of January
24 22nd, 1964 is addressed to J. S... For the record
25 would you specify if this is ---

26 A. St. Onge.

27 Q. Have you heard anything further since
28 you sent this memorandum of January 22nd, 1964?

29 A. From my department, no, nothing
30 further.



1 English

2 Q. Did you receive anything else from
3 other departments?

4 A. To date nothing further.

5 Q. Is this the only correspondence or
6 document which you have in your files concerning this
7 matter?

8 A. Yes.

9 Q. Do you recall any other telephone
10 conversations which would be of interest to this
11 Commission in this respect?

12 A. Between the Department of Transport
13 and myself?

14 Q. Yes, in the course of 1963?

15 A. It is a little hard to recall. I
16 have two phones going all the time. It is a little
17 too much to expect.

18 Q. Let me put it otherwise: Do you recall
19 any other instances when representatives of the
20 Department of Transport would have called you in 1963
21 to make representations concerning this matter or
22 asking for information concerning this matter?

23 A. Yes. I have been in touch with
24 Captain Cotinas two or three times concerning the
25 matter but I still at that time and now am unable
26 to state and confirm that these pilots are working
27 between the points that you people are interested in.
28 This is their occupation.

29 Q. Did you check into this matter, and
30 you are not obliged to answer if you are not sure of



1 English

2 the matter, did you check whether these persons had
3 not come under the notion of pilot, as it is understood
4 in Canadian law, they could get off their ships at
5 St. Lambert or whether the ships would have to anchor
6 at some point and they would have to go through the
7 procedure?

8 A. I have no idea of the interpretation
9 that is given to a pilot under the Canadian law.

10 MR. LALONDE: Thank you.

11 CROSS-EXAMINATION BY MR. BRISSET:
12

13 Q. Mr. Fox, when a ship has to anchor
14 at Longue Pointe for immigration purposes do the
15 officers of your Department sometimes go aboard the
16 ship?

17 A. No. The Port at Longue Point was
18 designated for immigration purposes. However,
19 there is no Immigration officer on duty and therefore
20 the Customs officer acts on our behalf under certain
21 circumstances.

22 Q. Will the Customs officer go on board
23 at times?

24 A. They always go on board every ship.
25 They go aboard.

26 Q. They will represent you in Immigration
27 matters?

28 A. In certain circumstances.

29 Q. Let us assume, Mr. Fox, you have a
30 ship coming upriver, a foreign ship that goes



1 English

2 in to Contrecoeur and there are some immigration
3 problems concerning a crew?

4 A. The Customs officers from Sorel act
5 on our behalf at Contrecoeur for crew matters only.

6 Q. Now the ships you have been talking
7 about as the United States Steel Corporation with
8 these people on board are, I take it, lake vessels and
9 not ocean vessels, or do you know?

10 A. Frankly I have never seen one.

11 Q. You don't know?

12 A. I don't know.

13 MR. LALONDE: I am informed, my lord,
14 they are all lake vessel.

15
16 EXAMINATION BY MR. JACQUES:

17 Q. In the course of your investigation of
18 this matter did you at any time require production or
19 defining or require citing the Ships' Articles?

20 A. Not at all. I mentioned we treated
21 it as a border crossing the same as if he drove a
22 car or comes in a plane.

23 Q. If a man were a member of a crew would
24 you require citing the Ship's Articles?

25 A. More than that, we would not permit it.
26 Our point is Longue Pointe.

27 Q. The next time you have such an occasion
28 would you ask the Articles be produced in front of
29 you?

30 A. The ship doesn't come into Montreal for



1 English

2 Immigration inspection.

3 Q. You base yourself entirely on the man's
4 statement that he is entitled?

5 A. Certainly. Under the Act when we ask
6 questions we are supposed to get truthful answers.

7 Q. The next time he presents himself
8 for entry would you ask him if he is not rather a
9 second mate No. 2 rather than a pilot?

10 A. I would be pleased to.

11 Q. If he is a second mate No. 2 he must
12 be signed on the Ship's Article and must disembark
13 and enter Canada at Longue Pointe?

14 A. If he is on Ship's Articles he is a
15 member of the crew.

16 Q. Under Exhibit 964, which is the
17 report of Captain D. R. Jones, the 29th of November,
18 1963, I read as follows:

19 "Following our receipt of the
20 allegations outlined in Paragraph 2
21 above (which means the allegation that
22 American citizens were piloting in
23 Canadian waters) we have made (being
24 the Department of Transport) representation
25 to the owners of some of the vessels
26 involved. In reply they have informed
27 us that the personnel leaving and boarding
28 their vessels at St. Lambert Lock do
29 not board for the purpose of performing
30 pilotage services but join the vessel



1 English

2 as Second Mate No. 2."

3 Would not that statement contradict the statement made
4 by Crawford and Rankin?

5 A. The only thing I can say is this
6 is made to your Department in writing. When the man
7 appears before me, the Immigration officer, and makes
8 a statement this I must accept unless I have doubts.
9 Now I have doubts, before I had no doubt.

10 MR. JACQUES: Thank you.

11 RE-EXAMINATION BY MR. LALONDE:

12
13 Q. Once again, if these gentlemen were
14 to board at Port Weller as second mates No. 2 could
15 they disembark at St. Lambert anyway since they
16 would have embarked in Canadian waters without re-
17 porting to anybody?

18 A. The Master has changed his crew. I
19 am not too familiar with it. It is the Central
20 Region, Port Weller. I would hesitate in saying.
21 It may also be considered a port of entry and
22 for this purpose that he is changing his crew it
23 should be reported to the Immigration Office or
24 Customs Office acting on behalf of the Immigration
25 officer.

26 The thing is he has not left Canada
27 although he is on the crew list and we would have to
28 alter the crew list and tally him out with one less
29 going to the next Canadian port.

30 Q. Even if he was to board at Port Weller



1 English

2 they would have to report to you through Longue Point
3 to change the Articles?

4 A. Yes. We have a foreign flag vessel
5 and foreign crew member.

6 THE CHAIRMAN: Any further questions
7 of Mr. Fox? Thank you, Mr. Fox.

8
9 CAPTAIN ORANCE HAMELIN, sworn

10 DIRECT EXAMINATION BY MR. LALONDE:

11
12 Q. Mr. Hamelin, you were present when
13 evidence was given before this Commission concerning
14 the division of the Montreal District at the upper
15 limits of Sorel Harbour. Some statements were made
16 during this testimony about which I would like to ask
17 you a few questions.

18 One of the advantages which was
19 mentioned in favour of the Lanoraie anchorage as a
20 changing point for pilots was the fact that you would
21 be on ranges at that particular place. From your
22 experience as a pilot in the district will you say
23 that this represents a real advantage and additional
24 convenience?

25 A. No, especially not at Lanoraie
26 because the ranges that are available there, the ships
27 anchored there are on those ranges so accordingly you
28 have to be outside the ranges to be able to manouvre.

29 Q. Without going into other aspects of the
30 plan would you have anything to say about the practical



1 English

2 difficulties of changing the pilot at this particular
3 spot, that is Lanoraie anchorage?

4 A. Well, the same difficulty that would
5 apply at Longue Pointe would apply at Lanoraie although
6 it is a longer anchorage. If there is any amount of
7 ships there like we have had these last few years the
8 same problem of restricted area will prevail and the
9 same danger of accident will also prevail.

10 Q. Could you elaborate on this?

11 A. You are far less sheltered anchored
12 there than you would be anywhere else and the wind,
13 especially from north to west, is always fairly strong,
14 and northeast, and the ships get crossways into the
15 channel a lot.

16 If you want to have a relieving or
17 change of pilotage at this particular stretch the
18 ship will have to keep a decent amount of speed to be
19 able to keep from drifting ashore. You are very,
20 very close to the beach, and unless you have a speed
21 boat you can't change pilots at that speed. It is
22 very dangerous for accidents.

23 Q. Would you say generally it is ad-
24 vantageous to change pilots in an anchorage or should
25 this be something which should rather be avoided as
26 much as possible?

27 A. Yes, especially if you have to pass
28 south of the ships anchored, you see.

29 Q. Why is that?

30 A. Because the prevailing wind blows the



1 English

2 ship towards the part of the channel you must travel
3 up and down, you see.

4 THE CHAIRMAN: The situation is
5 the same thing. You have an anchorage there and you
6 are changing pilots in that anchorage area, are you
7 not?

8 A. Your lordship, the ships are anchored
9 to the south of the changing location, you see, where
10 you change ships. Most of the times there is very
11 few ships right at the pilotage station there either
12 up or down, you see.

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1 English

2 Q. The statement was made to the effect
3 that it took about half an hour to go from Sorel to
4 Lanoraie anchorage. Would this be a fair approximation
5 for this course?

6 A. Well, you have plants now from Sorel up,
7 you see that ships are lying very close to the channels
8 and ships have to go by at quite a reduced speed and
9 I am very much afraid it would take almost an hour
10 to go from Sorel to Lanoraie.

11 Q. Would you say it would take more time?

12 A. Well, an awful lot of ships do, even
13 at full speed; a lot of ships.

14 Q. I notice that in the Shipping Federa-
15 tion brief at page 97, Volume 1, it is stated:

16 "The river pilots have in fact
17 advocated for a long time that there
18 be a changeover from the river pilot
19 to the harbour pilot at Longue Pointe
20 where it is not practical or safe to do
21 it because of density of traffic."

22 Do you have any comment to make about this statement
23 which I have just quoted?

24 A. I am very much afraid somebody mis-
25 understood our point of view. We did make a study
26 of the time it would take for a ship from Quebec to
27 that point in the river, you see, as about the exact
28 amount of time that it would take for a ship to go
29 from Three Rivers and from Three Rivers to this point
30 Pointe aux Trembles, you see, and it was only a study



1 English

2 that was made and we never, as far as I can recall,
3 have demanded that it be put into operation.

4 We waited for a few years to see what
5 the trend of the new division at Three Rivers would
6 bring and the results were that some of the ships
7 being faster and there was a very, very slow laker
8 for scrap, the trend changed, so that to do a split
9 at Three Rivers and the second from Quebec to Three
10 Rivers to Pointe aux Trembles to the Upper Harbour
11 port, the waiting time is very, very close. It
12 was similar.

13 Q. To your knowledge has a proposal like
14 the one mentioned in the Shipping Federation brief
15 been made by your group in the last few years?

16 A. Not to my knowledge, no.

17 Q. You are a pilot between Quebec and
18 Three Rivers, are you not?

19 A. Yes.

20 Q. Can you state now what would be the
21 difficulty for your group of pilots with a change-
22 over from Three Rivers to Lanoraie as a changing point
23 for pilots? What would be the effect on your group?

24 A. Well, on some other trips we would
25 be going back to the condition that existed thirty
26 years ago. We have some ships right now, right this
27 minute, that take ten to twelve or thirteen hours to
28 go from Quebec to Three Rivers. Then, if you add
29 another five or six years to proceed from Three Rivers
30 to Lanoraie, well, you got an eighteen or twenty-hour



1 English

2 stretch on the bridge.

3 I don't think that is what we are
4 looking for. We are looking to better our working
5 conditions and for the safety. We have always argued
6 for safety of the traffic of navigation; and then a
7 man after so many hours -- the reflexes and his ability
8 to judge up a situation is never as keen as if he
9 was on the bridge only six or seven hours at the most.

10 Q. Did you have experience yourself in
11 such trips taking as long as ten hours and more between
12 Quebec and Three Rivers?

13 A. Oh, yes. We have quite a few.
14 You see, this list we got doesn't take into considera-
15 tion coasting vessels or inland vessels.

16 Q. Are you referring to Exhibit 962,
17 which was tabled this morning; yes?

18 A. A lot of the coasting vessels and
19 inland vessels and salt water vessels take much longer
20 than this and then it all depends on the state of
21 the tide at Quebec when we board. It makes an
22 awful lot of difference. It may make a five or
23 six-hour difference to go to Sorel, so it doesn't give
24 a true picture of what may happen.

25 Q. Could you elaborate on the effect of
26 the tide?

27 A. I am to be called to board a ship at
28 Quebec at high water and their speed is such that I
29 may go on for a couple of hours and then I will have
30 to anchor for six or seven hours maybe because we



1 English

2 could not go through the rapids on account of her speed,
3 and then some times when I come to go across the
4 rapids with a flood -- it may be fog or something --
5 it may be impossible to go. Of course, it doesn't
6 always happen but it happens quite often.

7 MR. JACQUES: To which rapids do you
8 refer?

9 THE WITNESS: The Richelieu Rapids.

10 MR. BRISSET: These are being dredged
11 and eliminated, I understand, at the present time.

12 THE WITNESS: They cannot eliminate
13 the Richelieu Rapids, not the current.

14 MR. LALONDE:

15 Q. What would be the difference between
16 say embarking at the Port of Quebec and disembarking
17 at the Port of Lanoraie?

18 A. About 107 or 108 miles. It all de-
19 pends what particular place they choose, you see. That
20 is nautical miles.

21 Q. Now, Mr. Hamelin, I understand you
22 have been active in the pilotage business for several
23 years. Did you participate in discussions or negotia-
24 tions with representatives of the Shipping Federation
25 in the middle fifties, or before?

26 A. Yes.

27 Q. Approximately what years did you
28 participate in such negotiations?

29 A. In 1954, 1955.

30 Q. Yes. Would you explain to the



1 English

2 Commission how those meetings took place, what pro-
3 cedure was followed and how generally it worked at
4 the time?

5 A. Well, we would be given an appointment
6 to meet with the Shipping Federation people at a certain
7 time and we would get to the appointed place on time
8 and some times we would be kept waiting there half an
9 hour or forty-five minutes before they let us come in, and
10 on some occasions, I mean, we would make an appointment
11 to discuss a certain problem or tariff and we would
12 never get the chance to discuss the subject.

13 They would not even let us present our
14 point of view probably. Of course, we were not very
15 able in thosedays; we didn't have -- we would do that
16 all by ourselves. Of course, we were not really
17 competent to do so so I suppose that was the result.

18 Q. Where did those meetings take
19 place?

20 A. At the Board of Trade Office of the
21 Shipping Federation.

22 q. Were the representatives of the
23 Department of Transport at those meetings at the time?

24 A. Always. Most of the time they were
25 there before us.

26 Q. You mean to say when you walked in
27 they were present there?

28 A. Yes.

29 Q. Did they participate actively in the
30 meetings?



1 English

2 A. Sometimes, yes. Sometimes ---

3 Q. Who was Chairing these meetings?

4 Was it a Department of Transport official?

5 A. No, Mr. Boyle was in one instance and---

6 Q. Would you state for the record who
7 Mr. Boyle was?

8 A. He was Jimmy Boyle. He was at the
9 time, I think, his function was president of the
10 Pilotage Committee of the Shipping Federation. He
11 was also president of the Shipping Agency in Montreal.

12 MR. BRISSET: Shipping Limited.

13 THE WITNESS: Yes. Mr. McCallum was
14 the secretary.

15 MR. LALONDE:

16 Q. You said you had these meetings and
17 you felt they were not producing much effect. Were
18 you ever asked to present your case in a better way
19 or organize yourself otherwise?

20 A. Yes. I don't recall the name of
21 this gentleman to my right, sitting on my right. He
22 told me -- I guess he felt embarrassed for us, the
23 way we were presenting our case --he told me -- he
24 said: "Young man, the next time you come back get
25 organized properly. Get someone to do the speaking
26 for you," so from that time on we decided we would
27 never go back to the Shipping Federation unless we
28 had someone especially able to speak for us.

29 Q. Was it a Department of Transport
30 official?



1 A. No.

2 Q. Was that the one that spoke to you?

3 A. No, he was a member of the Shipping
4 Federation. It was very good advice on his part, too,
5 if I may say so.

6 Q. Evidence was also heard concerning
7 docking pilots in Quebec Harbour. You heard the
8 evidence of Captain Severson, I presume, did you?

9 A. Yes.

10 Q. Do you have anything to say concerning
11 his evidence in this respect?

12 A. Well, I wonder what the Cunard Line
13 over on the other side -- you can hear the statement
14 they want their ships to be taken into Quebec Harbour
15 at any time irrespective of the risk of accident, I
16 wonder what they would feel about this, because I am
17 quite sure pilots would not -- it is true they might --
18 I know they are not very keen on delaying ships. If they
19 do so they are only doing it for safety purposes. If
20 they feel there is danger of an accident they won't take
21 any chance; they will wait. That is the only purpose
22 for this attitude.

23 It may be that some pilots or most
24 pilots -- you know, I have heard a lot of argument
25 about this delaying at Quebec but no figures have been
26 given, no names or dates or occasions.

27 You know, I think they are making a
28 very big thing out of a very rare accident; but there
29 might be a time that they may be able to take a
30 ship in and won't do it. , You see, I think the majority,



1 English

2 give as good service as possible and prevent delays
3 to ships as much as possible.

4 Q. You say the large majority. Have
5 you had experience yourself of pilots delaying ships
6 on purpose?

7 A. Well, not on purpose but I will admit
8 there may have been the odd occasion where a pilot may
9 have been a little more on his toes and taken a ship
10 in. He could have done it even though the tide
11 was not exactly right. He could have done so, but
12 there are a few instances ---

13 Q. Were you aware of representations
14 which were made, I think, in 1961, by the Harbour
15 Pilots in order to have a changeover of pilots for
16 ingoing ships at either Pointe aux Trembles or Quai
17 Marien after consultation with your group? I think
18 Mr. Marchand would have been the president at the
19 time. Were you on the committee at that time?

20 A. I don't recall exactly the meeting
21 you mention.

22 Q. Do you have any idea of any agreement
23 or statement which would have been made by your
24 Corporation that you would not oppose the request by
25 the Harbour Pilots for a changeover for pilots at
26 Lanoraie Pointe or Quai Marien for incoming ships?

27 A. I am sorry. I don't recall now
28 exactly what took place.

29 MR. LALONDE: Thank you.

30



1 English

2
3 CROSS-EXAMINATION BY MR. BRISSET:

4 Q. Mr. Hamelin, are you in favour of
5 docking pilots in Quebec for a ship proceeding down-
6 river going to Quebec and for ships proceeding up-
7 river going to Quebec?

8 Do you see any merit in having
9 docking pilots?

10 A. Mind you, I am going to answer one
11 part of your question. The other part I cannot
12 answer because I cannot say something that I do not --
13 I have not experienced the work or anything, you see.

14 As far as my group is concerned from
15 downbound, going east from Montreal, we would like to
16 keep the status quo. We are quite satisfied.

17 Q. Quite irrespective of what you would
18 like or would not like, speaking generally as a pilot
19 do you see any advantage in having docking pilots to
20 relieve the river pilots when it comes to the
21 difficult job of docking a ship?

22
23
24 -

25
26
27 -

28
29
30 -



English

A. It might. At some places it might be very useful. It might be safer.

Q. Now, Mr. Hamelin, you were asked about the proposal of the Harbour and River Pilots to have inbound ships change pilots at Marien wharf. I have before me the memorandum submitted by the St. Lawrence Pilots and Montreal Pilots to the Shipping Federation of Canada, of December 13th, 1961, under the signature of Marc Lalonde, Counsel. I would like you to examine the document and if you agree this is the proposal I would like you to file it as Exhibit 965.

A. Yes, I would agree to this on condition.

Q. Was that the proposal?

A. It must be. There have been so many discussions on this question it must be right.

MR. LALONDE: Were you a member of the Committee at the time in 1961?

MR. BRISSET: December, 1961.

THE WITNESS: No, I was not.

MR. LALONDE: Anyway the document can be filed as being submitted.

---EXHIBIT NO. 965: Memorandum submitted by the St. Lawrence and Montreal Pilots to the Shipping Federation, dated December 13, 1961.

MR. BRISSET:

Q. Now, Mr. Hamelin, let us assume for



1 English

2 the purposes of our argument that there is going to be
3 a change in the system and you will have Harbour Pilots
4 operating exclusively in the Harbour of Montreal. If
5 that were to come about where would you think, in your
6 opinion, the changeover should be made? Would you
7 still adhere to your recommendation in 1961 that this
8 be done at Longue Pointe or would you think there is a
9 better place to do it? I mean Marien Wharf at
10 Pointe aux Trembles?

11 A. It all depends if you are speaking of
12 inbound ships only or inbound and outbound.

13 Q. Both.

14 A. I don't think either place is fit in
15 Montreal Harbour for this changeover of pilots.

16 Q. Well, in between Montreal or Longue
17 Pointe to Sorel which would be, in your opinion, the
18 best place?

19 A. That is not a very wide channel any
20 place.

21 Q. I would like to have your opinion
22 frankly. Is there any place that you would recommend
23 if you do not like Lanoraie?

24 A. Well, really I hate to state a place
25 because I have to be in the channel most of the places.

26 Q. All right. Let us talk about your
27 own section. As I understand you are piloting between
28 Three Rivers and Quebec. How do you like Quebec as a
29 place where the pilot is relieved?

30 A. Well, it is not bad, Quebec. It is



1 English

2 a wider place.

3 Q. How wide where you do change?

4 A. You have lots of water.

5 Q. How wide is it

6 A. A good miles.

7 Q. Is there an anchorage place in the
8 vicinity?

9 A Yes. You see, we are asking the
10 Authorities to remove the shipping from this anchorage
11 for safety purposes.

12 Q. How long is the anchorage in Quebec?
13 I mean up and down river?

14 A. Well, all depends. You can have
15 from Sillery Wharf down to the Queen's Wharf. You
16 can consider a mile and three-quarters, nearly two
17 miles.

18 Q. You don't have very much more than
19 a mile and a half?

20 A. No, maybe not. We don't usually go
21 as far as Sillery Wharf. It doesn't hold so good.

22 Q. Do you not agree in the Lanoraie
23 section you have a straight stretch of river that is
24 over three miles long?

25 A. Yes.

26 Q. And the river is about half a mile
27 wide?

28 A. Yes.

29 Q You agree that there is no change of
30 tide there?



1 English

2 A. Half a mile wide -- wait a minute.
3 You have an average of 1200 to 1400 feet channel. It
4 seems to be wide but there is no water.

5 Q. What part of that three and a little
6 over miles of the Lanoraie Reach is actually used for
7 anchorage purposes at the present time?

8 A. Sometimes there is quite a stretch of
9 it used because of the big lakers. They take an
10 awful lot of room and these light ships they get
11 crossways to the channels.

12 Q. Even if they get crosswise in the
13 current they won't do like they do in Quebec, swing
14 around on a change of tide?

15 A. No.

16 Q. Do you know Mr. Boyle personally?

17 A. Very well.

18 Q. I have always heard he is a nice fellow
19 to get along with?

20 A. Certainly, as a Chairman he is very
21 nice.

22 MR. BRISSET: I have no more questions.

23
24 RE-EXAMINATION BY MR. LALONDE:

25 Q. Do you have a current where you change
26 at Quebec?

27 A. Oh, yes, a very strong current.

28 Q. Does this have any effect as a spot
29 for changing pilots? Does it represent certain
30 advantages over Lanoraie?



1 English

2 A. Yes, because you take advantage of
3 the tide, you see, to stop your ship. Quite often,
4 you see, it is a great help, especially with a loaded
5 ship. If you take big tankers with the tide you can
6 reduce their speed quite easily on account of the
7 current.

8 Q. That is, you are bucking the tide?

9 A. Yes. Sometimes it is the opposite and
10 you have to take special precautions.

11 Q. Is it not a fact that you change
12 pilots generally in Quebec in an area which is pro-
13 hibited anchorage?

14 A. Yes, there is a prohibited area from
15 the top of the Queen's Wharf down to the entrance of
16 the St. Charles River.

17 Q. Is this the area where you change
18 pilots usually?

19 A. Correct, yes.

20 Q. Would you know whether comparatively
21 there are more ships waiting at anchor at Lanoraie
22 rather than Quebec?

23 A. Oh, yes. Lanoraie is a much busier
24 anchorage.

25
26 EXAMINATION BY MR. JACQUES:

27 Q. Your answer would be based on knowledge
28 which you gained before you were acquainted with the
29 Three Rivers-Quebec section only?

30 A. Yes and no, Mr. Jacques. You see we



1 English

2 keep asking at the station at Three Rivers how many
3 ships are anchored at Lanoraie. It is always inter-
4 esting to know what is going on, you see. Sometimes
5 I am in Montreal nearly every week and I come on the
6 North Shore and I can see ships anchored.

7 Q. It is not actual knowledge gained from
8 direct observation from traffic in the area?

9 A. No.

10 MR. LALONDE: It is pretty direct
11 if he is driving on the North Shore and seeing the
12 ships lying there.

13 MR. JACQUES:

14 Q. How often do you drive up in the course
15 of the year?

16 A. Nearly every week.

17 Q. Do you always drive at the same time
18 during the day?

19 A. It doesn't matter, day or night, you
20 can see whether the ships are anchored there.

21 Q. Regularly every week you go back the
22 Lanoraie anchorage?

23 A. Yes, in the summer.

24 Q. So this is one day out of seven?

25 A. You must remember a lot of ships stay
26 there quite a few days at a time.

27 Q. What about the other six days? You
28 don't know. To come back to serious matters, how long
29 is the area where you change over pilots in Quebec?
30 You said that the river at that point was about three-



1 English

2 quarters of a mile wide.

3 A. It would be, I imagine it would be
4 about a mile or three-quarters of a mile where you
5 change the pilot.

6 THE CHAIRMAN: Across.

7 MR. JACQUES:

8 Q. And three-quarters of a mile long?

9 A. We always go down as far as possible
10 around Shed 25.

11 Q. That is for a ship upbound?

12 A. Yes.

13 Q. You board off Shed 25 and for a ship
14 downbound ---

15 A. The pilot comes aboard just abeam of
16 Queen's Wharf or around that vicinity.

17 Q. Abeam of Queen's Wharf, that would be
18 how far from the anchorage area?

19 A. Just clear.

20 Q. Just clear the anchorage area?

21 A. Yes.

22 Q. And in Quebec there is a ferry running
23 across every twenty minutes?

24 A. Yes.

25 Q. There is no ferry in Lanoraie?

26 A. There used to be one but not any more,
27 I don't think.

28 COMMISSIONER SMITH: What proportion
29 of the River St. Lawrence Montreal District pilots
30 live in the City of Montreal; do you know?



1 English

2 THE WITNESS: What proportion? I
3 imagine roughly, Mr. Smith, I would say two-thirds.

4 MR. LALONDE: Are you aware of any
5 agreement or understanding with the Levis Ferry
6 people that they will wait to let you go by when you
7 change pilots?

8 THE WITNESS: Yes, Monsieur Lalonde;
9 we cannot complain about the way they handle those
10 ships. They always manage and make sure they keep
11 clear of the up or down traffic in the river.

12 MR. LALONDE: Have you any idea how
13 many pilots live in Three Rivers in your group for the
14 whole district?

15 THE WITNESS: No, I could figure it
16 out and give you an answer later on. About eighteen
17 or twenty, I suppose.

18 MR. BRISSET: That is for the two
19 sections?

20 THE WITNESS: Two sections.

21 MR. LALONDE: I refer you to Exhibit
22 448, Chart 1338, which is the Lanoraie anchorage. My
23 confrere stated it is a mile-long anchorage.

24 MR. BRISSET: A reach, not an anchorage.

25 MR. LALONDE: Will you tell us if
26 you can anchor all along this anchorage?

27 THE WITNESS: There is a shallow.
28 Above the Sorel Harbour it gets very narrow. It is
29 only from the harbour limits to Lanoraie that you use
30 as anchorage, you see. You could anchor in fog or



1 English

2 something but not as a regular anchorage.

3 THE CHAIRMAN: Any further questions?

4 We will adjourn now for ten minutes.

5 MR. LALONDE: I have only one more
6 witness and I may not be able to put him in the box
7 because I don't have the information. Yes, I will be
8 able to continue.

9 THE CHAIRMAN: We will adjourn for
10 ten minutes.

11 ---Short recess.

12 ---Upon resuming:

13

14 ANDRE BEDARD, sworn

15

16 DIRECT EXAMINATION BY MR. LALONDE:

17

18 Q. Mr. Bedard, for the record you are
19 a pilot in the Quebec District and President of the
20 St. Lawrence Federation of Pilots?

21 A. That is correct, sir.

22 Q. Mr. Bedard, a statement was made by
23 Captain Ligtermoet to the effect that the Rotterdam and
24 Amsterdam pilots come under the jurisdiction of the
25 harbour authorities. In these two cases have you had
26 an opportunity of discussing this matter during your
27 trip to Europe in 1963?

28 A. Yes, that is correct. We had the
29 opportunity of discussing that with two pilots and a
30 representative of the Pilotage Authority in The Hague.
For the river and Port of Amsterdam all the pilots there



1 English

2 do not come under the direct control of the Harbour
3 Master.

4 As for the river to Rotterdam they
5 are still State pilots and under the control of the
6 State and not the Harbour Master. However, in the
7 Rotterdam Port itself they have the very same pilots
8 that are employed by the City of Amsterdam and come
9 under the authority of the city. How much of that
10 authority is delegated to the Harbour Master I am not
11 in a position to say, however.

12 COMMISSIONER RENWICK: Is that
13 Amsterdam or Rotterdam?

14 THE WITNESS: Rotterdam.

15 MR. LALONDE:

16 Q. Mr. Beaudet also stated in his evidence,
17 I think, that the Thames River or London Harbour pilots
18 came under the London Harbour Authority, especially
19 from Gravesend up. Have you checked into this matter?

20 A. It is not the case. The pilots
21 working in the Thames River outside of the docks are
22 under the authority of Trinity House and don't come
23 under the authority of the Port of London Authority.

24 Q. By the way, we have available before
25 you the distances on the Thames River in miles.

26 A. The distances I checked this morning
27 and from Sunken Light Vessel to Gravesend was seventy
28 miles and Gravesend to Royal Albert Docks, sixteen
29 miles. I didn't have the opportunity to check the
30 distance from Dungeness to Gravesend. I could do so



1 English

2 and provide it to the Commission tomorrow if necessary.

3 MR. LALONDE: I have no further
4 questions.

5
6 CROSS-EXAMINATION BY MR. BRISSET:

7 Q. Are there any pilots coming under the
8 Port of London Authority?

9 A. They are docking inside the docks.

10 Q. Moving within what area? What is the
11 scope of the area?

12 A. They are inside the docks. The status
13 of pilots there was not studied too much by us. Their
14 organization is based on a contract of the shipowners
15 somehow, and I would not care to go into too much
16 detail for fear of giving some information which would
17 not be correct.

18 THE CHAIRMAN: Are there any further
19 questions that anyone would like to ask Mr. Bedard?

20 MR. LALONDE: I don't have any other
21 witnesses for today. Mr. Martin will be in the box
22 tomorrow morning. Mr. Martin will give evidence
23 concerning certain chapters prepared.

24 THE CHAIRMAN: I gather you are
25 coming to the end of the inquiry in Montreal.

26 MR. LALONDE: Unless there is some
27 change. I want to check with this matter tonight.
28 Mr. Martin would probably be my last witness in
29 Montreal and unless there is a contrary decision
30 tonight we hope that Mr. Martin will be through during



1 English

2 the day tomorrow.

3 THE CHAIRMAN: Thank you very much.

4 We will adjourn until tomorrow morning at ten o'clock.

5 ---Whereupon the hearing was adjourned until

6 10.00 a.m., February 18th, 1964.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
MONTREAL

P. Q.

VOLUME No.:

110

DATE:

FEB 18 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Windsor Hotel, Montreal,
Quebec, on Tuesday, the 18th day
of February, 1964

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. L. Langlois, Q.C.	for the Canadian Merchant Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots



INDEX TO WITNESSES

<u>NAME</u>	<u>PAGE</u>
<u>BEDARD, ANDRE, recalled</u>	
Re-Direct Examination by Mr. Lalonde	13722
<u>MARTIN, JEAN MARIE, Sworn</u>	
Direct Examination by Mr. Lalonde	13723
Cross-Examination by Mr. Brisset	13789
Examination by Mr. Jacques	13819
Re-Examination by Mr. Lalonde	13835
<u>PRESSEAU, ANDRE, Sworn</u>	
Direct Examination by Mr. Lalonde	13837
<u>MELANCON, JACQUES, Sworn</u>	13838

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1
2
3
4
5
6
7
8
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10
11
12
13
14
15
16
17
18
19
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22
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26
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INDEX TO EXHIBITS

NO.

DESCRIPTION

PAGE

916

Telegrams

13845

* * * * *



Montreal, Quebec, 13722
Tuesday,
February 18, 1964

English

ANDRE BEDARD, recalled, sworn

RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. Mr. Bedard, you worked last night on the distance between Dungeness and Gravesend. Do you have that available?

A. According to Reid's Nautical Almanac, page 671, the distance between Dungeness and Gravesend is 86 nautical miles.

Q. Do you have a chart of the Port of London?

A. Yes, I have a chart of the Port of London. It is from London to the seaward limit of the Port of London Authority.

Q. Does Gravesend appear on this chart?

A. Yes, it does.

Q. Does Dungeness appear?

A. No, Dungeness is outside the limits.

Q. What is indicated as the Port of London Authority? Does it go as far as the sea?

A. Yes, it goes as far as the sea from Warden Point to Haven Creek.

Q. The docks in the Port of London are they shown in this chart?

A. Yes, they are.

Q. There was evidence concerning docking pilots or pilots in the docks themselves?

A. Yes.

Q. Which were of a different status than



1 English

2 the other pilots on the River Thames. Would you
3 indicate with a blue pencil the area which is covered
4 by the docks and in which docking pilots would be
5 employed? These docks are indicated on the chart in
6 an orange colour and there will be blue circles around
7 them. The other docks are shown further down than
8 the ones you have circled in blue. Are these also
9 under the jurisdiction of docking pilots as such?

10 A. You are referring to the docks at
11 Tilbury. I don't know the answer.

12 MR. LALONDE: My lord, this chart
13 will be attached to Exhibit 873, which contains docu-
14 ments for the United Kingdom. I have no further
15 questions.

16 THE CHAIRMAN: Thank you, Mr. Bedard.

17
18 JEAN MARIE MARTIN, sworn

19
20 DIRECT EXAMINATION BY MR. LALONDE:

21 Q. Mr. Martin, would you declare your
22 name and profession for the record?

23 A. My name is Jean Marie Martin and the
24 profession is economist.

25 Q. I understand, Mr. Martin, that you
26 were up to recently Dean of Social Science Faculty
27 of Laval University?

28 A. Yes.

29 Q. I also understand that you are acting
30 as Consulting Economist for the St. Lawrence River



1 English

2 Pilots occasionally? Is that correct?

3 A. Yes, I have been consultant for about
4 five to six years.

5 Q. What were your main functions as
6 consultant for the pilots during that period?

7 A. I was Economic Advisor.

8 Q. And as Advisor what were you principal-
9 ly active in?

10 A. I was on phases mainly related to
11 economics; also to a certain extent with training of
12 the pilots on account of the good amount of experience
13 I have had with labour economics.

14 Q. On the basis of your experience did
15 you participate in the preparation of the brief of
16 the Federation of St. Lawrence River Pilots submitted
17 to this Commission as Exhibit 671?

18 A. Yes, I did. That was the first
19 chapter, History, and part of the second chapter on
20 the Function of Pilots, Security, and Economic Import-
21 tance of the Functions; also prepared another chapter
22 on Training.

23 Q. I would like to review with you, Mr.
24 Martin, some chapters in which you had a part, unless
25 you have something special to say about the first
26 chapter, that is the History of Pilotage. I personally
27 have no questions on this chapter. Do you have any
28 point you want to raise in this regard?

29 A. No, not specially, except that we
30 might say that the variations in conditions of pilotage



1 English

2 have been rather great. At the beginning it was
3 completely unorganized and pilots were left purely
4 and simply as free entrepreneurs.

5 Each of the pilots was entirely
6 responsible for the act. Then there were regulations,
7 and apparently this was not under governmental control,
8 except indirectly through these houses and pilots
9 were not satisfied with that. Finally they got
10 organized.

11 It is interesting to look at certain
12 conditions that were imposed on the pilots in the
13 early times of pilotage. It shows that the River
14 was a very difficult channel and that very strict
15 conditions on the training of pilotage were considered
16 as essential for the performing function of pilots.

17 This question of training is a very
18 old question and this is the main point, I think, that
19 may come out from the history. That is the problem
20 of training.

21 Q. I notice that paragraph 54 has refer-
22 ence to the Royal Commission on Pilotage of 1919. I
23 presume you wanted to make a correction in this
24 respect?

25 A. Yes; it is 1918.

26 Q. The paragraph should be amended.

27 A. The mistake was due to the fact the
28 report was printed in 1919.

29 Q. Now I would like to go over the
30 second chapter, particularly paragraph 113 and



1 English
2 following. I understand that this part of
3 paragraph 113 to the end of the chapter, including
4 the statistical tables at the end of the chapter,
5 have been prepared under your direction and by you?

6 A. Yes, it was except for one table, which
7 is Table 116, page 45 of the French text.

8 Q. Which is an abstract from The Canada
9 Year Book?

10 A. Yes.

11 Q. Now can you give this Commission the
12 main features which you wanted to stress in this part
13 of Chapter 92? I notice that they are mainly an
14 analysis of transit shipping both seagoing and coastal
15 shipping on the St. Lawrence River. Do you mind
16 giving the Commission what are the main topics that
17 you want to raise here?

18 A. Well, Mr. Chairman, there are main
19 points coming out from this analysis on the impor-
20 tance for the economy of the St. Lawrence River.
21 There are certain considerations which are in the
22 resume of the analysis on the bottom of page 47. We
23 submit at the various tables at the end of that chapter:
24 Table 2, Table 5, Table 7, Table 11.

25 We can see that the loading capacity
26 of the ocean-going vessels as expressed in net tonnage
27 has increased much more rapidly in the main harbours
28 from the beginning of the St. Lawrence River to
29 Montreal than in the balance of other ports of Canada
30 since 1945 to 1961.



1 English

2 This means there was a greater load
3 capacity and in fact there were more goods in terms of
4 tonnage that were transported on the ocean-going
5 vessels from the outside up to Montreal than from
6 Montreal to the outside of the country. There is
7 a greater increase than in the rest of any other port
8 in Canada. The St. Lawrence River is an economic
9 factor and has taken the largest share of all the
10 maritime traffic from 1945 to 1961 than any other
11 place. This is important. This shows that this
12 artery is really a great asset for Canada and even the
13 United States.

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24
25 -



1 (English)

2 Q. And, as you stated, the tables to which
3 you referred are in support of these statements which you
4 have just made?

5 A. Yes, this analysis has been made from
6 the figures given in these statements, which are official
7 reports.

8 Q. Will you give the source of these
9 figures?

10 A. This is from the Shipping Reports which
11 are issued by the Dominion Bureau of Statistics.

12 Q. In addition to this substantial increase
13 in the capacity of deep sea ships on the St. Lawrence
14 River - an increase which you stated to be greater on the
15 river than elsewhere in other Canadian ports between
16 1945 and 1961 - are there any other aspects which you
17 would like to stress before this Commission?

18 A. There are various aspects. As far as
19 the deep sea vessels are concerned, for instance, if we
20 look at the table on page 48 of the French text ---

21 Q. When you refer to these will you please
22 refer to them by their paragraph numbers because the
23 pages in the French and English texts differ; this will
24 avoid confusion.

25 A. I am referring to paragraph 125. From
26 this paragraph we can see that for a certain number of
27 ports (Quebec, Three Rivers, Montreal and Port Alfred)
28 the increase in the average net tonnage, the registered
29 net tonnage per vessel, is a rather recent increase. As
30 a matter of fact, if one looks at these figures in detail



1 (English)

2 one can arrive at the conclusion that except for the
3 port of Port Alfred (that is, for the other ports,
4 Montreal, Three Rivers and Quebec) the increase is
5 apparent since 1959. It was relatively modest between
6 1945 and 1958 but in 1959 there was suddenly a sharp
7 increase in the average tonnage. I think this was
8 expected; in most cases it was thought that this would
9 come about as a result of the improvement which was made
10 by the new channel from Montreal to the Great Lakes and
11 also as a result of the technological improvements which
12 have taken place rather recently.

13 Q. I notice in paragraph 128 you start
14 referring to coastal shipping. Do you have any comment
15 to make in this respect?

16 A. There are not many comments to be made
17 on this part except, Mr. Chairman, to bring to your
18 attention the fact that the statistical information for
19 the coastal vessels only commences in 1952. What is
20 the reason for that? The reason is that we had detailed
21 statistical information before 1952 as we had for the
22 ocean-going vessels only concerning the tonnage of goods
23 transported. Again, I want to make it very clear that
24 there is nothing contentious in these figures because
25 they were given from official reports in order to measure
26 in a statistical fashion the increasing importance of the
27 river as an economic factor in the Canadian economy.

28 Q. Will you mention here the tables to
29 which you have referred in paragraph 128 and paragraph
30 129?



1 (English)

2 A. When we are speaking of the Higher
3 St. Lawrence and the Great Lakes we should look at table V
4 and when we are speaking of the total of Canadian ports
5 we should look at Table II. For the Port of Quebec we
6 should look at Table XIII at the end of the chapter; and
7 for Montreal we should look at Table VII.

8 Q. You refer here to the Higher St.
9 Lawrence and the Great Lakes. Does this include the
10 Harbour of Montreal or is the Harbour of Montreal out of
11 this area for statistical purposes?

12 A. The Harbour of Montreal is out of this
13 area. This is clearly shown in the Shipping Reports
14 themselves.

15 Q. I also note that the figures for the
16 coastal shipping cover later years than do those you have
17 given for deep sea ships. Is there any particular reason
18 for that?

19 A. Most probably the fact is that at the
20 time these figures were compiled from the Shipping Reports
21 they might have been missing. But if you look at the
22 tables themselves you can see very easily at the end of
23 the chapter that we went only to 1961; they all stopped
24 in 1961.

25 Q. I note they start in 1952?

26 A. Yes, in 1952. The reason is that we
27 did not have any information - and this is shown on Table
28 II, for instance - for the Higher St. Lawrence River and
29 the Great Lakes for the tonnage of goods transported
30 before 1952. The Shipping Reports were not made in the



1 (English)

2 same way as they were made for the deep sea vessels.

3 Q. I see. It is simply that it does not
4 appear in the Shipping Reports for those years?

5 A. That is right.

6 Q. I notice that you have a table also at
7 paragraph 132 which is supposed to show the relative
8 increase in the number of deep sea and coastal vessels
9 from 1945 to 1961?

10 A. Yes.

11 Q. Do you have any comment to make in
12 regard to this particular table?

13 A. Yes, Mr. Chairman, I want to bring to
14 the attention of the Commission the fact that - as is
15 shown in that table - it is only the increase; that is,
16 if for instance we want to establish in a different way
17 or to show in a different way the variations in the
18 number of ships we have to add 100. That means the
19 first figure would be 178.3 rather than 78.3, and so
20 forth all along.

21 Q. Do I understand you to say that if we
22 were to work on a basis of an index number - - -

23 A. Yes, that is right, not only showing
24 the increase but showing the bulk of the movement. We
25 shall have to add 100 to all these figures.

26 Q. So the percentage which starts there
27 for Montreal Harbour for deep sea vessels of 78.3 per
28 cent means there has been an increase of 78.3 per cent
29 over 1945?

30 A. That is correct.



1 (English)

2 Q. And for the total of the five harbours
3 mentioned in your list you have had an increase of 148
4 per cent?

5 A. Yes.

6 Q. That is to say, if it were on an index
7 number you would have an index of ---

8 A. Yes, 204, while for the total number of
9 Canadian harbours, including these which are listed, it
10 would be 127.7 as compared to 204.8. This is very
11 interesting; it is very revealing of the dynamics of
12 the St. Lawrence River as an economic factor within the
13 Canadian economy. If you look at this global figure for
14 the total number of Canadian ports in terms of increase -
15 127.7 as compared with 104.8 for the five listed ports -
16 you will see that for the ports exclusive of these five
17 ports the increase is even lower than 27.7 because the
18 figures for the Canadian ports include these five ports
19 and this tends to increase the figure for the total
20 number of Canadian ports; in fact, it increases the
21 figure substantially.

22 Q. And the reverse would apply I presume
23 for the coastal trade where you have an increase of 77
24 per cent for total Canadian ports?

25 A. That is correct; the increase in the
26 number of ships, of course, for the other Canadian
27 ports is surely higher than 77.1 because it includes
28 33.7 of the five listed Canadian ports in that table
29 which tends, in reverse, to lower the total increase of
30 Canadian ports for the number of coastal vessels.



1 (English)

2 However, on the whole, if we take the aggregate of both
3 deep sea and coastal - because it is the number of ships;
4 there is nothing else - you will see that this small
5 increase of the coastal vessels in the five ports which
6 are mentioned tends to lower very much the increase of the
7 aggregate.

8 Q. Would you have any comments to make on
9 the following paragraphs, paragraphs 133 to 138 at the
10 end of the chapter?

11 A. Mr. Chairman, paragraph 134 refers to
12 the previous analysis. The number of deep sea vessels
13 has increased very much in the five ports listed in that
14 table as compared to the balance of the Canadian ports.
15 As I say here, this is a very important factor for a
16 country which is so heavily dependent upon external trade
17 for its prosperity. This means that the St. Lawrence
18 River is really an economic factor in the expanding
19 economy of Canada.

20 Q. Do you have any other comments?

21 A. I also have a remark to make concerning
22 paragraph 136. On account of this very big increase in
23 the traffic in the St. Lawrence River the difficulty of
24 the pilots' task is surely not diminished. It is
25 reasonable to assume that this means a large number of
26 ships were in the river and therefore that, as compared
27 to twenty years ago for instance, the difficulty of the
28 traffic will increase just as the difficulties on an
29 ordinary road where the traffic is increasing. It is
30 more dangerous for any driver to drive on a very heavily



1 (English)

2 loaded road than on a road which is normally deserted.

3 I think that is about all I have to say regarding this
4 table.

5 Q. You have Table I among the tables
6 annexed to this chapter which presents in a summary form
7 the total number of ships of net registered tonnage and
8 cargo?

9 A. Yes, this table is very important
10 because it tends to complete or in fact does complete the
11 previous table which we have discussed regarding the
12 number of ships. Here for example we have more inform-
13 ation; we have the total registered tonnage and we have
14 the tonnage of goods transported.

15 Q. I see. You have added all the figures
16 from 1945 to 1961?

17 A. Yes, this is for the entire period;
18 this is the total for the entire period from 1945 to
19 1961 with the exception of 1947. The reason why 1947
20 was excluded was that in the official reports I had at
21 my disposal the information for that year was not
22 complete. Rather than give wrong figures I decided to
23 dismiss that year.

24 Q. I also notice that for cargo carried by
25 coastal vessels the figures start only from 1952. Is
26 that for the same reason?

27 A. Exactly. If we look for instance at
28 the total of goods transported, if we look at the total
29 tonnage for the Montreal, Quebec, Three Rivers, Sorel,
30 Port Alfred, Great Lakes and Higher St. Lawrence River



Martin, dir.ex.
(Lalonde)

1 (English)

2 area, both ingoing and outgoing, we will see a total for
3 ingoing and outgoing for the entire period for deep sea
4 vessels for these ports which I have just mentioned of
5 656,159,389 tons of goods transported.

6 Q. Yes.

7 A. If we take the same total for the
8 entire Canadian ports just below --

9 Q. That is if you take 560 million plus
10 560 million.

11 A. Yes -- this would give 1,122,113,475
12 tons.

13 Q. Yes?

14 A. Now take that last figure as a hundred
15 and compare the previous figure to that one and this
16 would give for these ports which were mentioned a
17 percentage for the entire period of 58.5 per cent of the
18 total tonnage of goods transported in all Maritime
19 traffic in Canada coming from ocean vessels coming into
20 Canada or going out.

21

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English

THE CHAIRMAN: Through the St.
Lawrence.

THE WITNESS: Through the St. Lawrence.

THE CHAIRMAN: Fifty-eight per cent
of all the maritime traffic in Canada?

THE WITNESS: In Canada, for that
period.

MR. LALONDE:

Q. Deep sea?

A. Deep sea. On the other hand we
have seen -- this is a very interesting figure -- we
have seen that the total number of ships in ports
that were mentioned in the previous tables for coastal
trade has increased but a much smaller percentage of
increase than in the total Canadian ports.

Notwithstanding that fact we notice
that -- and this includes again coastal trade -- the
Port of Montreal, the Port of Quebec, Three Rivers,
Sorel, Port Alfred, the Great Lakes and the Higher
St. Lawrence River, we made the same total as I have
done before for deep-sea, that is ingoing and outgoing,
\$240 million to add to \$250 million and this gives
\$446,680,555 for the total transport in and out of
the coastal trade in this river.

If we look at the entire Canadian
ports' figures, and add the very same portion, that
is add \$368 million and \$347 million in the columns of
goods transported, this gives a total figure of
\$715,961,832.



English

Q. \$832?

A. \$832; this last figure being hundreds.

The previous figure of \$446,680,555 would become a percentage of 62.4 so notwithstanding the smaller increase in the total number of coastal ships, still, the St. Lawrence Seaway is a great artery for the coastal trade in Canada since 52.4 per cent of all the coasting trading in terms of tonnage of goods transported is still transported through the river; so this is to me -- this is an economist's opinion -- this to me is a good indication surely of the great importance of the St. Lawrence River for the Canadian economy.

Q. Then I notice that the other tables are either straight statistical figures or index figures which you have prepared on the basis of the previous tables?

A. This is so. These were given as a kind of supporting documentation.

Q. Now, unless you have something to add on this particular chapter ---

A. No, I don't think so.

Q. I would suggest we go to the chapter concerning the training of pilots. I notice this chapter includes a certain number of historical notes to begin with and a description of the present set-up ---

A. Yes.

Q. Do you have anything to say in this particular respect or shall we go as far as paragraph 248 and following, where you speak about the present



1 English

2 qualifications of pilots?

3 A. No, except as I told you at the begin-
4 ning of my statement that I referred again to the
5 historical notes just to show again how important was
6 the training of pilots even in the earlier years of
7 pilotage, and this is about all and then most of the
8 information is information which is given following the
9 beginning with 257.

10 Q. I understand that you played a large
11 role in the preparation of the present apprenticeship
12 schemes in Quebec and Montreal?

13 A. That is so.

14 Q. Do you mind telling the Commission
15 how this was done, just summarily, and what was the
16 theory behind the apprenticeship schemes which have
17 been developed for the St. Lawrence River in the Montreal
18 and Quebec Districts?

19 A. Well, the theory, the fundamental
20 basic theory was that pilotage, with the growing
21 complexities of the traffic and also the growing
22 complexities resulting from technological advances,
23 was requiring doing these years of training an
24 improvement, I would say, an improved general education,
25 first of all.

26 Secondly, that they would require
27 formal training in a school for a good deal of the
28 seamanship knowledge.

29 Sure these pilots, when we began
30 to consider this problem -- the training of pilots --



1 English

2 were already members of the organization and were very
3 conversant as far as seamanship was concerned. There
4 was no doubt most of them were either foreign trade
5 masters or home trade masters or mates at least and
6 therefore had a long number of years of experience as
7 seamen on board ships; not only in Canada, but most of
8 them even had a long career in high sea sailing --
9 but even though we know very well now that we can always
10 learn through experience and our working, which is
11 training on the job, more and more we turn towards
12 other types of training, that is training through
13 schools, formal training and in adding to what a
14 school can give in a much shorter time.

15 Well, we had some number of years
16 of experience and then there were two good results
17 that came out of that. First of all for those who
18 used the service of that scheme or the profession,
19 they had at least a theoretical assurance that this
20 man is better trained and this training is recognized,
21 officially recognized, through various numbers of tests
22 he has to be exposed to, to what he was exposed through
23 his formal training.

24 Second, that by shortening the time
25 of training, this allows this man to be a younger age
26 on the market and to be a productive force for his
27 country earlier and give a greater span of his life
28 as a productive force.

29 This would mean this, and this is the
30 theory behind that as far as I can see, Mr. Chairman.



1 English

2 This is a theory that applies to many other trades
3 and we also thought this was possible because we
4 notice that the trend is increasing for higher
5 liberal education, general education in the province
6 was strong and we might find it very difficult in
7 some years from now to find on the market people
8 having less than eleven years, the Eleventh Grade
9 except for the handicapped or for some other reason.
10 We did not want the handicapped at the beginning.

11 Therefore, we have established that
12 this should be the basis so that there was no reason
13 why pilots should make an exception to any other type
14 of trades in the province, as far as general education
15 was concerned, so that pilots would have at least
16 the Eleventh Grade, and this is what is now required
17 in all ---

18 Q. That is before they would go to the
19 Marine School?

20 A. Before entering Marine School
21 except that there was an exception.

22 You can say that we had the Marine
23 School which is like any other institution, which
24 took into consideration the transition period before
25 everybody has the Eleventh Grade, it may take some
26 time, so therefore there was the Tenth Grade given,
27 the Eleventh Grade given. After the Tenth Grade in
28 the Marine School is kind of a preparatory training
29 and while we recognize also the fact that this Eleventh
30 Grade could be gained at school rather than in the



1 English

2 general education system we decided to have seamanship
3 training because we had a school. This was the
4 only province in the whole of Canada which had a training
5 school for the Merchant Marine.

6 This was a good opportunity for a
7 pilot to try to improve following training for
8 seamanship.

9 We were given a very nice welcome
10 on the part of the school authorities and with the
11 Quebec provincial authorities in introducing a new
12 course adapted to pilots in the school of Marine which
13 was not much different than the other courses maybe.
14 As a matter of fact, the programme was not different.
15 When these people were registered as future pilots,
16 well, in certain cases there was an insistence upon
17 certain aspects more than for others.

18 And then having these favourable
19 factors in front of us we thought that a pilot conscious
20 of his full responsibility that they should change their
21 training in order to adapt themselves to new conditions
22 and, well, it worked for, I would say, two years,
23 before this scheme was adapted after a certain number
24 of modifications.

25 As a matter of fact, we had an
26 opportunity to discuss that same scheme with a lot of
27 persons, with persons having some knowledge regarding
28 training of special trades and also the question came
29 up very often with the Department of Transport officials
30 and we had also an opportunity to discuss with people



1 English

2 representing maritime companies, the Shipping Federa-
3 tion mainly. I don't think we had very long dis-
4 cussions with the Canadian Shipowners' Association.

5 Q. Did you have discussions with Dominion
6 Marine Association also?

7 A. Not very much. I think maybe one or
8 two occasions but with the Shipping Federation we had
9 many occasions speaking of the necessity of changing
10 the training of pilots so that it became now it was
11 mandatory to have at least the Tenth Grade to enter
12 the School of Marine and then for two years at the
13 School of Marine and then training on the schedule of
14 the School of Marine and at least three years after
15 that of apprenticeship.

16 Meanwhile, I don't know if it has
17 been changed recently, but meanwhile as far as Quebec,
18 Montreal pilots were concerned, the candidate must have
19 passed the first examination theory before being allowed
20 to enter, to be accepted as a pilot. This could be
21 made concurrently with his apprenticeship and in cases
22 of the Lower St. Lawrence River Pilots, I think, they
23 were right -- absolutely right -- they didn't change
24 their requirements. People had to have long training
25 at sea and -- not pass their examination, but pass a
26 trade examination for First Officers and the apprentice-
27 ship itself was in both cases to last at least three
28 years, during which apprentices were obliged to have
29 training on ships, on the training ships of the
30 School of Marine for about fifteen days during



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(Lalonde)

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1 English

2 each summer and furthermore about fifteen years to
3 three weeks every winter and to have courses, refresher
4 courses, in order to improve their knowledge. These
5 courses, these lectures, were given by expert pilots
6 and while in theory the apprenticeship was to last
7 only three years, as a matter of fact it may well last
8 for five years. It all depends on the requirements
9 of the service side.

10 -

11 -

12 -

13 -

14 -



1 English

2 Q. Yes. While you are at this question
3 as a matter of fact my attention is drawn to paragraphs
4 from No. 248 on, where you refer to the present qualifi-
5 cations of pilots.

6 I don't think we need to insist very
7 much on paragraphs 251 on which gives certain statistics
8 concerning the qualifications. I think the Commission
9 has had as exhibits the qualifications of individual
10 pilots given from the Department of Transport files.

11 However, I notice in paragraph 257,
12 just before paragraph 258, you have calculated the
13 average duration of apprenticeship in Montreal and
14 Quebec. It is paragraph 257 at the top of page 108
15 in the French text and page 100 in the English text.

16 Would you tell us where these figures
17 come from?

18 A. These figures come from bibliographical
19 notes which we have sent to each pilot, a questionnaire
20 on their own life: age, amount of time they take during
21 apprenticeship to become a pilot, everything concerning
22 their own personal life as to age, marital status,
23 number of children and so forth; also all the information
24 pertaining to their professional life.

25 In the case of Montreal and Quebec
26 this was fifty-three per cent of the pilots who gave the
27 information. As far as the Lower St. Lawrence River
28 pilots were concerned I did not calculate the percentage.

29 This information was supplied by each
30 pilot that answered and I think it is a very good



1 English

2 indication because when you have a fifty per cent of
3 the total population answering you have an idea of
4 the total population as such.

5 Q. From these bibliographical notes you
6 have taken the figures of five year and three months
7 for apprenticeship for a Quebec pilot and five years
8 for the Montreal pilots?

9 A. Yes, these were taken from this
10 questionnaire.

11 Q. Now do you have any additional com-
12 ments to make on the other paragraphs in this chapter
13 from paragraph 258 to the end of the chapter, that is
14 paragraph 266?

15 A. Well, I don't think it is necessary
16 to comment on this except I want to bring to your
17 attention, Mr. Chairman and Commissioners, paragraph
18 265 and the table.

19 It is interesting to note that
20 according to these questionnaires that were answered
21 by the pilots that the average age for the first
22 category, that is zero to three years of pilotage,
23 is twenty-nine for Montreal and Quebec and the Lower
24 St. Lawrence is also twenty-nine.

25 This means that this average age
26 would only be for those pilots being on the third
27 year of pilotage. This would mean that they would
28 have entered pilotage at the age of twenty-six.
29 Certain professionals who are going to specialize
30 or do post-graduate studies, say after their regular



1 English

2 programme in law or even medicine or another profession,
3 except for those in a special category we would not
4 find that the average age in these professionals would
5 be twenty-six. I think it would be rather around
6 twenty-four or twenty-five.

7 I am putting myself in the worst
8 position. I put all the odds against this and all the
9 advantages for the other part because it is sure that
10 this average age of twenty-nine does not apply only
11 to these pilots having three years of pilotage. It
12 would be around twenty-seven to twenty-eight, in
13 between twenty-seven and twenty-eight that I would
14 call the medium age of the category.

15 Q. Would that be supported by the other
16 category from four to eight years or nine to thirteen
17 years in the profession?

18 A. This is interesting to look at also
19 because when you take pilots having a greater number
20 of years in pilotage you see that the entering age
21 is tending to increase. This is not surprising
22 because their training was longer. This was
23 training on the job first in all cases and second,
24 if we take particularly those fourteen to eighteen
25 years, these had to suffer from certain periods
26 where they had to wait their apprenticeship for a
27 long time during the war and even during the
28 economic crisis of the thirties.

29 If you look at the other part it is
30 a very old age because these are people coming



1 English

2 directly from the sea service to pilotage.

3 I think that is about all I have to
4 tell you about it.

5 Q. Now before we leave this chapter,
6 this chapter was written by yourself?

7 A. Oh, yes, entirely.

8 Q. You state that all the references
9 and statistical information as given in this chapter
10 was prepared by yourself or under your direction?

11 A. Yes, that is it.

12 Q. And you are in a position to state
13 it is a true representation of the statistical infor-
14 mation which you have collected?

15 A. Well, according to the correctness
16 of the replies themselves. I cannot force anybody
17 to tell the truth. I assume since these were not
18 contentious information at all that a person naturally
19 is inclined to tell the truth in this case. There is
20 no other way of having statistical information con-
21 cerning the condition of a person, even with DBS. It
22 is the very same thing.

23 Q. Now I would like to come back to the
24 previous chapter, that is the chapter on working con-
25 ditions and economic conditions of pilots.

26 As you know, we had Professor Cardin
27 appear before this Commission last fall and Professor
28 Cardin testified as to the actual contents of these
29 chapters and also stated that he had prepared most of
30 texts and documents in these two chapters.



1 English

2 He in his evidence further stated
3 that the statistical information concerning the
4 pilots themselves -- I am not referring to the other
5 statistical information coming from the DBS or other-
6 wise -- the statistical information concerning the
7 pilots themselves had been collected under your
8 direction. Is that correct?

9 A. This is correct.

10 Q. I am referring to Tables 1A and 1B in
11 the chapter concerning working conditions. That is
12 pages 59 and 61 of the French text. We will come to
13 the other chapter later. It is pages 56 and 60 of the
14 English text.

15 Would you state before this Commis-
16 sion how the information which served as a basis for
17 these tables was calculated?

18 A. Well, Mr. Chairman and Commissioners,
19 the method used was basically the sampling method at
20 random. That was for a very good reason that we
21 did not want to interfere with any bias of our own
22 in selecting the pilots. We had established before
23 taking the sampling certain exceptions as to the
24 people that were supposed to be pilots. This ex-
25 cluded from sampling any name that would come out of
26 a pilot who would be a member of the Board of their
27 Association. These pilots are given terms in
28 order to equalize/^{the roll} We did not want to interject
29 what I would call an artificial aspect into the
30 sampling. I think this was perfectly right to do



1 English

2 that.

3 Secondly, we also took out from
4 sampling those pilots who were sick or handicapped.
5 The President of the Corporation concerned would know
6 perfectly well that he was not piloting although he
7 was still on the list. We put these names on a
8 small square of paper from the lists given by the
9 Corporations and we put them in the box and we then
10 drew from that box at random.

11 This sampling was made also taking
12 into account the general rules of good sampling.
13 That is for a lower total population we would take
14 a greater proportion of members because as you can
15 see if you have ---

16 Q. Fifty per cent of two?

17 A. Is one! You can see the difference
18 easily there. That is the reason why if you have
19 small numbers in total population you have to get
20 a greater percentage of members of that population
21 to show the picture, the average picture of that
22 total population. We did that as a matter of fact
23 and I can give you the total population.

24 Q. Yes. Would you mind, please, giving
25 this information?

26 A. I want to tell you that we decided
27 before on the percentage of names that we should have
28 in the sampling for each pilotage district, including
29 in the meaning of "district" the territories of
30 Montreal and Quebec. As a matter of fact it is only



1 English

2 one district, but makes two because there is a com-
3 plete change of pilots at Three Rivers. We decided
4 on the percentage and in the case of the Outer St.
5 Lawrence we had a percentage of about thirty per cent.

6 Q. That is Cornwall to Kingston?

7 A. Cornwall to Kingston, that is right.
8 In the case of Montreal to Cornwall we had also to
9 deal with small numbers and the number was a bit
10 higher. We took about 22 per cent. I say "about"
11 because we couldn't divide the man in a third or
12 half.

13 Q. We have heard about this!

14 THE CHAIRMAN: Those economists are
15 the ones to do that!

16 THE WITNESS: We would say statis-
17 ticians and not economists, my lord.

18 In the Port of Montreal there is a
19 funny thing here because we took a bigger sampling.
20 We took 31 per cent. As a matter of fact it turns
21 out it was about 80 per cent that gave answers since
22 they were all together working in the same condi-
23 tions and being in a position to answer easily. We
24 decided they would go with the sampling. Those who
25 were doing part of the sampling did not answer.

26 This is one that was important as
27 far as we were concerned. We had sampling from
28 31 per cent. From Montreal to Three Rivers the
29 number of pilots were greater than in any previous
30 districts.



1 English

2 We decided in the case of Montreal
3 to Three Rivers and Three Rivers to Quebec and below
4 that these numbers were very comparable in each case
5 and we decided 20 per cent in each case. To be sure
6 that we excluded the members of certain Committees
7 or members of the Federation we decided in order to
8 have the right percentage for each case, to have more
9 names drawn.

10 For the group of Cornwall to Kingston
11 we drew 52 per cent of the groups. We had eleven
12 names from a total of twenty-one so we had 52 per cent.
13 We took in the sampling only 29 per cent. This was
14 a reserve of names because if we had found in the
15 first six to be drawn out of the box there was one
16 pilot who was a member of the organization he had to
17 be eliminated. The first name after the six were
18 drawn out of the box was put in its place.

19 Q. In other words, you had a reserve
20 list for all groups?

21 A. This is important because this is a
22 very important precaution to be taken when you are
23 taking a sampling of groups like that.

24 For the group of Montreal to Cornwall
25 we also took eleven names out of thirty-two which
26 gave 34 per cent. Thirty-four per cent is the total
27 sampling plus reserve.

28 In the case of the Port of Montreal
29 we took eight, that is 50 per cent.

30 In the group of Montreal to Three



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English

Rivers, Threse Rivers to Quebec, we took thirty-three
per cent, that is twenty-one names out of a total of
sixty-three.

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-

-

-



1 (English)

2 In the case of Three Rivers to Quebec we took 21 names
3 also, which gives a greater percentage - a percentage of
4 36 - in that section. In the case of the Lower St.
5 Lawrence we took 25 names of 75 pilots, making 32 per
6 cent again. There is some further information which it
7 is important to give because in the case of the Lower
8 St. Lawrence pilots and in the case of the Central St.
9 Lawrence pilots --

10 Q. That is the Quebec-Montreal district?

11 A. That is Quebec-Montreal -- we had
12 classes of pilots. In order to adapt as closely as
13 possible to this structure of the pilotage organization
14 in this district we made what we call a stratified
15 sampling. That is to say, we decided to have within the
16 sampling in each case the same percentage of class A
17 pilots as there were in reality within the total group
18 itself, the total population, and the same for class B
19 pilots and the same for class C pilots. So this is
20 what we call a stratified sampling, and this was the case
21 for the Lower St. Lawrence for Quebec-Three Rivers and
22 for Three Rivers-Montreal.

23 Q. I understand the pilots selected were
24 required to fill in a questionnaire?

25 A. They were required to fill in a
26 questionnaire which I prepared myself.

27 MR. LALONDE: Copies of that have already
28 been filed, My Lord, by Mr. Cardin. Do you wish Mr.
29 Martin to identify them also or are you satisfied?
30 They were tabled in October 1963.



1 (English)

2 Q. While the Secretary is looking for
3 these I will put a question to you. Once these
4 questionnaires were received what was the procedure
5 followed?

6 A. There was a letter of instruction. I
7 do not know if that letter was tabled also.

8 Q. Yes?

9 A. There was a letter of instruction
10 accompanying the first questionnaire that was sent to each
11 pilot. The first questionnaire was sent to each pilot
12 sampling, and this was as detailed as possible as a letter
13 of instruction and as simple as possible in order that all
14 the pilots could understand the exact meaning of all the
15 words, all the sentences and all the paragraphs. It
16 was said there that these questionnaires should be sent
17 to the secretary of each organization, which was the
18 sampling office, the gathering office for the question-
19 naires.

20 Q. I am showing you Exhibit 767 which
21 includes a formula plus a sheet concerning the Montreal
22 Harbour pilots.

23 A. Yes, this is it.

24 Q. And I am showing you another document
25 entitled "How to fill in this form".

26 A. Yes, this was the letter of instruction.

27 Q. The letter which was sent to the pilots?

28 A. Yes, this is the letter.

29 Q. So these forms were sent in to the
30 secretaries of each corporation?



1 (English)

2 A. Yes, and then they were answered and
3 they were under my direction. All the information was
4 compiled and I followed that work very closely. After
5 compilation - a straight compilation - I myself devised a
6 method of calculating the average and these averages were
7 calculated according to my instructions. Let us say
8 there were three trips a week in a seven-day week; the
9 duration of the trip was totalled for each trip and the
10 average for the week of the duration of the trip was
11 taken on a mathematical basis; it was a mathematical
12 average, a straight average. Then, let us say, there
13 was in the case of the Lower St. Lawrence, for instance -
14 which I have in front of me - a situation in which there
15 were 15 pilots of the sampling sending in the question-
16 naire. Suppose these 15 had trips during that week,
17 then the average was taken for each pilot for the week.

18 Q. I see.

19 A. Then there was a certain average taken
20 from the group. While this went on for the whole period,
21 at the end of the period an average weekly figure, based
22 on the total number of weeks, was taken out to get the
23 average weekly length of trip for the season. Of course,
24 the time is different in each case but it was long enough
25 in each case at least for that season to show valuable
26 results.

27 Q. Yes. The times covered have already
28 been given to this Commission by Mr. Cardin in each case.
29 I do not think we need this information again now. So
30 your averages then for the period covered were an addition



1 (English)

2 of averages or weekly performance of duties?

3 A. That is right.

4 Q. Was there any particular reason for
5 this?

6 A. This gives a much better average.

7 If you take a certain week it is not the most scientific
8 way of eliminating the average, but we felt that this
9 was satisfactory enough because in the end it became a
10 weighted average, which is a normal average. In most
11 cases it is a weighted average that is used in calculations
12 of that type. We felt this was sufficient because we did
13 not want to enter into any complex calculations for a
14 sample of only one season.

15 Q. Have you taken notice of Tables IA and
16 IB in the brief?

17 A. Yes.

18 Q. Did you have the opportunity of checking
19 whether the information contained in Tables IA and IB is
20 in accordance with the work sheets which serve as a basis
21 for these tables?

22 A. No, these were drawn entirely from the
23 answers to the questionnaires.

24 Q. The information contained here is
25 according to the information you obtained in the replies
26 to the questionnaires?

27 A. That is right.

28 Q. And according to the compilation that
29 was made for averages for the season?

30 A. Exactly, except there was a figure that



1 (English)

2 struck me as far as percentage is concerned up to Cornwall
3 and from Cornwall to Montreal.

4 Q. Table IA?

5 A. Yes. I was told by a pilot that this
6 showed what it was. Personally, I do not know. I have
7 to rely on this information. According to the information
8 I received from pilots this is exactly what is happening.
9 This is not, however, exactly the figures but it shows
10 the picture; it describes the picture. I do not think
11 this type of information - and this is very important,
12 Mr. Chairman, to take into consideration - is meant to be
13 information giving exact figures but rather showing
14 ranges, giving indications of a type of situation, not
15 necessarily meaning that they are measuring exactly what
16 it was. It is just an indication.

17 Q. That is for Table IA?

18 A. Yes.

19 Q. However, as far as Table IB is con-
20 cerned would this type of information not be much more
21 exact than the information contained in IA? You have
22 measurement of time?

23 A. Yes.

24 Q. While in Table IA you had a certain
25 subjective element creeping in as to what is fog and what
26 is a dark night, for instance?

27 A. Yes. If you want a subjective
28 analysis or picture, that is it; but it can be recorded
29 in numbers. There is certain information in that table
30 which we take from the sources from which the Department



1 (English)

2 of Transport take their information and from which the
3 Dominion Bureau of Statistics take their information.
4 Particularly in regard to the third piece of information
5 contained in the table - that is with regard to times
6 elapsed --

7 Q. Duration of trip?

8 A. Duration of trip -- it is taken from the
9 cards of the pilots themselves.

10 Q. From the pilotage cards?

11 A. Yes.

12 Q. Pilotage source forms?

13 A. Yes. So this is exactly the same
14 source as that from which any other statistical inform-
15 ation would come.

16 I would like to make a correction, Mr.
17 Chairman because I am not sure whether the correction
18 previously made by Mr. Cardin maintained a piece of
19 information which should have been left in.

20 THE CHAIRMAN: It was corrected by Mr.
21 Cardin.

22 THE WITNESS: Yes, but was it corrected to
23 maintain within the table the length of trip which is
24 shown in the last column for the Port of Montreal? Was
25 it maintained?

26 MR. LALONDE: Was it maintained or was it
27 crossed out?

28 THE CHAIRMAN: It was not crossed out.

29 MR. LALONDE: That is to be left in.

30 THE WITNESS: That is to be left in. If



1 (English)

2 that was maintained, then that is all right; all is in
3 order.

4 THE CHAIRMAN: The line now reads 34.03.

5 THE WITNESS: Yes.

6 THE CHAIRMAN: 32.26.

7 THE WITNESS: Yes.

8 THE CHAIRMAN: 25.25.

9 THE WITNESS: Yes.

10 THE CHAIRMAN: 29.12.

11 THE WITNESS: Yes.

12 THE CHAIRMAN: 30.36.

13 THE WITNESS: Yes.

14 THE CHAIRMAN: And 12.38.

15 THE WITNESS: Yes.

16 THE CHAIRMAN: And also on the sixth line
17 the last figure was deleted.

18 THE WITNESS: Yes, that is it.

19 MR. LALONDE: Q. I think these were the only
20 points in which you personally were involved in your
21 functions as economist in Chapter No. 3?

22 A. Yes.

23 Q. Is that correct?

24 A. Yes.

25 Q. Do you have anything to add on this
26 particular chapter?

27 A. I wanted to check to find a certain
28 measure of accuracy of these figures. There is a
29 measure of accuracy and this is based upon the accuracy
30 of the answers themselves; but there may be some margin



1 (English)

2 of error due to circumstances and conditions which are
3 outside the control of the pilots themselves. Therefore,
4 I wanted to have a certain check on the accuracy of this
5 information and I took the length of the trip, for
6 instance. I had in my papers the duration of trips
7 given by the Department of Transport. Unfortunately I
8 did not have 1962; I had 1960. I made calculations
9 for the same district - that is the Montreal and Quebec
10 district - and found that our figure for the Montreal-
11 Quebec district for the duration of trip is lower by a
12 small degree, just a little bit lower than the one given
13 by the Department of Transport. This might have been
14 one of those things that would have tended to weaken the
15 kind of information I had and to show the inaccuracy of
16 that information because the temptation would have been
17 great to raise rather than lower the figure in order to
18 show a much greater work load. However, as a matter of
19 fact when I checked with the Department of Transport
20 figures I found that my figure was a little lower - very
21 close to that of the Department of Transport but a little
22 lower. This means two things: first of all, the pilots
23 have been honest in answering the questionnaire and in
24 registering the times; secondly, the accuracy of the
25 answers is as good as I can check because the only check
26 I had was that of the Department of Transport figure.

27 Q. Obviously your Department of Transport
28 figures referred to a different year because you had
29 1960 and 1962?

30 A. Yes, but I would imagine that in 1962 it



1 (English)

2 would have been about the same.

3 THE CHAIRMAN: May we also say that the
4 Department of Transport figures are pretty accurate and
5 reliable?

6 THE WITNESS: Yes; they have that
7 reputation.

8 MR. JACQUES: Perhaps you are speaking with
9 tongue in cheek!

10 THE WITNESS: Well, I do not know; this is
11 a matter of your interpretation.

12 ---SHORT RECESS

13 ---ON RESUMING AT 11.40 a.m.

14 MR. LALONDE: Mr. Martin, I would like to
15 refer to Chapter 4 which concerns the economic conditions
16 of pilots. Part I consists more of an argumentative
17 type of submission than evidence in this respect; Part II
18 is a general description on which Mr. Cardin has already
19 testified - that is paragraphs 197 to 208 inclusive.

20 Do you have anything to add to what is put in Part II,
21 197 to 208?

22 A. Mr. Chairman, Mr. Commissioners, there
23 was mention made by Mr. Cardin of something to which I
24 also would like to refer: for instance, with regard to
25 conditions of work in Table IB it seems there is complete
26 regularity there within one season as if it were
27 completely rigidly established and accomplished, which is
28 not surely the case; there must be irregularities in the
29 duration of time the pilot has to devote to his duties
30 from day to day or from week to week. It is this same



1 (English)

2 kind of irregularity that we notice over a period of
3 years in the occupation of the pilot; it is fluctuating
4 and it is fluctuating mainly because it is related to the
5 general economic conditions of the country. However,
6 in that respect, can we find any other trade or profession
7 that may be influenced by the general economic conditions
8 prevailing with about the same intensity as for pilots?
9 If we look, for instance, at the professions I would find
10 one at least that is very closely geared to the economic
11 conditions prevailing, and that is the profession of the
12 architect. Architects are related to the building
13 industry very closely and they go up and down with the
14 building industry's activities. As a matter of fact, I
15 know personally, Mr. Chairman - and I beg your pardon if
16 I mention this - because I am also a commissioner on a
17 commission which is looking after the study of
18 architecture in the Province. We have noticed that
19 there are certain years in which architects draw a very
20 high income - a very high income indeed. As a matter
21 of fact, if one looks at the taxation statistics one will
22 see from the last one that architects are on the top of
23 all professions for the income they drew; but this is
24 true, let us say, for the year 1962 and it may well
25 happen that the building industry will slow down next
26 year, and slow down very substantially; and then the
27 architects will find themselves in a position where they
28 will not have very much to do and their income for that
29 year will decrease substantially as compared with the
30 two previous years. These are the general conditions



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1 (English)

2 and they have to be very careful in their own budgeting
3 because they have peak years and sometimes very high
4 peak years, and then they have very low years on other
5 occasions. As a matter of fact, they are getting what
6 the traffic will bear at the time; and that is it.

7

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1 English

2 In times of severe depression
3 those who were old enough to remember the thirties,
4 would remember that architects were very poor men at
5 the time, so much so that this profession did not
6 attract almost anybody for a number of years because
7 it was considered as a very low-paying proposition for
8 any young man having some kind of ambition.

9 In the case of pilots, however, not
10 only are they geared to variations of internal economy
11 but they are often more geared to variations in one
12 sector of the Canadian economy, which is external
13 trade. Mainly this applies to those pilots in the
14 River of St. Lawrence and some in the South Pacific and
15 some in the Maritimes because they are in a great number
16 of cases handling ships which are ships doing trading
17 between foreign countries and Canada.

18 Therefore, even we can find some times
19 even though the economy is, or rather the general con-
20 ditions are rather good but external trade is rather
21 bad because there is a time lag, well, for this year.

22 For instance, the internal country is
23 good but the external trade is better. The effect
24 of the variations in the external trade would not be
25 felt till next year because there is a backlog of things
26 which in a way hide the exact force going in behind
27 and this is important because this explains the
28 fluctuations that arise in the case of the pilots;
29 higher earnings in one year and lower earnings in
30 another year and so forth because of the kind of



1 English

2 Maritime traffic is changing according to the varia-
3 tions of the external trade, at least for the ocean
4 ships.

5 Even to a certain extent within the ---

6 Q. Inland shipping?

7 A. Inland, that again will find certain
8 problems of adjustment between the U.S. economy and
9 our own.

10 Q. I notice that you refer to the fact
11 you even have fluctuations in the workload during the
12 year. You refer not only to peaks from year to
13 year but also within the year?

14 A. Yes.

15 Q. I may be going back to the previous
16 chapter here but have you made any analysis of the
17 statement which is given regularly that pilots work
18 only nine months within a year and therefore is a very
19 easy job in a way; however, it is admitted in the
20 Montreal and Quebec Districts winter navigation is
21 becoming more and more frequent.

22 A. Well, it is a well known fact now
23 that the season of navigation in certain parts of the
24 river is tending to extend. This is mainly the case
25 with the Lower St. Lawrence River with winter naviga-
26 tion. It extended, as a matter of fact, without
27 winter navigation, from the end of the war till the
28 beginning of the winter navigation. This was due
29 to technological improvements. Surely this was not
30 due to the better training of the pilots. This was



1 English

2 merely a factor coming out of technological improve-
3 ments but with the happening of the winter navigation
4 it becomes more true, as a matter of fact.

5 This, over the years, is a factor
6 of variations. This over the years may transfer the
7 momentum of peaks over a period from one time of the
8 year to the other time of the year.

9 It is true according to the tra-
10 ditional pattern that pilots are usually not working,
11 let us say, between the middle of December to the
12 beginning of April. Well, this was a greater and
13 longer difference than it is now, but personally---

14 Q. You refer to that mainly as you say
15 to the situation above Montreal?

16 A. Above Montreal. Below Montreal
17 the difference in the length of the navigation season
18 is greater than that. Just take winter navigation
19 completely -- I mean, winter navigation when naviga-
20 tion was not possible before, because December naviga-
21 tion is surely winter navigation when, well, let us
22 say, that the normal traffic would not end at least till
23 the end of December.

24 Q. Yes.

25 A. Beginning around the 20th or 25th of
26 March or something like that.

27 Q. On this basis did you make any com-
28 parison with this situation elsewhere in the economy?

29 A. For my own amusement I have calculated,
30 Mr. Chairman and Commissioners, the holidays for a
public servant in Ottawa and I arrived here at a very



1 English.

2 funny conclusion.

3 For instance, all the Saturdays and
4 Sundays have to be taken off. These are rest days.
5 There are fifty-two of them multiplied by two which
6 makes 104 days of rest. There is three-weeks'
7 vacation, or fifteen workable days. This means that
8 you add that fifteen days to 104, and you arrive at
9 119 days, and then I have taken off the holidays,
10 the legal holidays, such as New Years Day and the
11 day following if New Years does not fall on a Sunday.

12 THE CHAIRMAN: Or a Saturday.

13 THE WITNESS: Or a Friday. Easter
14 Monday, the Queen's Birthday, Confederation Day, Labour
15 Day, and I wasn't sure about Thanksgiving so I left
16 it out, and Christmas. Christmas is the same as
17 New Years so I come to a total number of rest days of
18 127 or 129, depending if there is a day after
19 Christmas or a day after New Year's Day which is taken.

20 If you divide that by 30 days it
21 gives you four months and seven days or four months and
22 nine days of rest for a public servant doing regular
23 duty in Ottawa, so nobody realizes that they are taking
24 such a great number of rest days because it is all
25 spread out through the year.

26 Everybody feels that he is working
27 hard all the year long but nevertheless they have more
28 rest than even the pilots have because the pilots are
29 concentrating all their work in one period of the year
30 and concentrating on their rest in one period of the



1 English

2 year.

3 This was for my own amusement but I
4 think it is rather interesting to make a certain type
5 of comparison like that.

6 Q. Coming back to the chapter on Economic
7 Conditions, I would like to move on to Part III. That
8 is paragraphs 209 and following.

9 A. 209?

10 Q. 209, yes.

11 A. Page 82 of the French text -- unless
12 you have something to add previous to this paragraph?

13 A. Well, you see, when we make comparisons,
14 for instance, in the increase of income for pilots and
15 we include 1946 and this is ---

16 Q. You refer to Table 4?

17 A. Table 4, 5. It will be the same,
18 and also Table 6 and Table 7. The same comments may
19 be made, Table 8 again. All these tables -- well,
20 up to and including Table 8. Well, it shows that
21 there seems to be a very big increase, if we take 1946,
22 for instance, but that is the reason that we have taken
23 1948 because 1948 was a much better year as far as
24 pilotage activities was concerned than 1946. 1946
25 was still very, very close to the end of the war.

26 The European countries which were
27 devastated by the war had not recovered. The
28 Marshall Plan was not effective as yet, as it should
29 be, and so forth, and international trade with all
30 these war countries was still disrupted, so the



1 English

2 activities were much less than they should have been
3 in normal times.

4 Therefore, 1948 is a better year
5 because it is about three years after the war. The
6 European countries had regained and so forth and that
7 is the reason I wanted to mention that we have taken
8 1948 as the basic year.

9 Q. If there was a big increase it was
10 between 1946 and 1948?

11 A. Yes.

12 THE CHAIRMAN: I was just going to say
13 as a basis of comparison it is much better because 1945
14 and 1946 were lean years as far as pilotage was con-
15 cerned.

16 THE WITNESS: Yes.

17 THE CHAIRMAN: Even though the economy
18 may have increased, in pilotage it was not?

19 THE WITNESS: That is true.

20 MR. LALONDE:

21 Q. Do you have any other points to make
22 with regard to this?

23 A. Well, it is just directly related to
24 what I have just said regarding the choice of the year
25 1948. This is important because Table 11 ---

26 Q. Page 98 of the French text?

27 A. It shows the cost per ton. It is true
28 if you look at 1946, which was an abnormal year, that
29 for instance, Montreal and Quebec -- they might have
30 increased the cost of pilotage -- the per ton seems to



1 English

2 have increased from 0.27 to 0.40, but this was really
3 an abnormal year. We cannot make any comparison for
4 the same reason I have explained a few minutes ago
5 with that 1946 year.

6 We have to start at 1948. If you
7 start at 1948 you see that it is level or almost level.
8 If you draw a graph the way it is in the following
9 dates, following that table, if you take the circular
10 trend, that is a straight line rather than a fluctuating
11 line from here to here, if you correct these fluctuat-
12 ions in order to have a straight line, which we call
13 the secular trend, you will see it will be -- well --
14 almost completely level all throughout because there
15 would be almost no change. The year 1948 was 0.44;
16 1962 was 0.40; the year before 0.43. While they
17 are lower in 1958, this is the correcting factor which
18 would tend to disturb the line of circular trend but
19 the other years were 45-53, 41-41. The circular
20 trend gives the average for the period so it would
21 be almost level.

22 It is the very same today. You find
23 the very same thing in 1948 in the Lower St. Lawrence,
24 although it tends in the Lower St. Lawrence to decrease
25 while the circular trend will rather tend to lower,
26 reaching towards the end.

27 Q. Now, I understand that these figures in
28 a sense are not weighed according to the value of the
29 dollar, of the depreciation in the dollar?

30 A. Yes. Another factor that has not been



1 English

2 taken into consideration -- we have not calculated
3 these costs in terms of constant dollar. We have
4 taken the present dollar values ---

5 Q. That is the present dollar values at
6 the time of the year?

7 A. Yes, not constant dollars. If we had
8 introduced a correcting factor to establish constant
9 dollars, that is eliminating a part of the cause or the
10 inflation aspect.

11 Q. Inflation end of the dollar?

12 A. Which would be lowering of the buying
13 and purchasing value of the dollar. Well, you would
14 see that it tends to be lower as the years advance,
15 lower and lower by the correcting factor of lowering
16 the value each year of the Canadian dollar in terms of
17 purchasing value.

18 Q. Now, do you have any other point you
19 want to stress with regard to these pages?

20 A. I don't think I have, Mr. Lalonde.

21 Q. Some arguments took place with regard
22 to the calculation of the productivity of pilots; what
23 should be the basis for calculating the productivity
24 of pilots or whether such a thing existed?

25 The brief submitted by the Shipping
26 Federation, which is Exhibit 726, stated in particular,
27 "The notion of calculating the productivity of the cost
28 per ton was not valid. One may just as well cal-
29 culated the cost of construction of ships" -- for
30 instance.



1 English

2 Do you remember having read any such
3 thing?

4 A. I have seen that.

5 Q. Yes. Do you have any comments to
6 make as to whether there is any way of calculating the
7 productivity of pilots and whether it means anything at
8 all?

9 A. Well, the only way of calculating --
10 because pilotage is a service -- this is what we call
11 an intangible value or intangible cost. It is not
12 like buying tons of coal or things like that or pro-
13 ducing -- since we are speaking of productivity -- a case
14 of preserves, or something like that.

15 We can calculate that according to the
16 number of units we use wherein the case of services
17 like lawyers, like doctors, like anyone giving service,
18 it is rather difficult to establish.

19 The usual rule -- this is not easy
20 to establish like in many other types of profession --
21 the usual rule and this is the one that we usually
22 use in the case of a worker paid on an hourly basis or
23 a day basis or a weekly basis, but not rendering a
24 professional service, paid on the basis of the act
25 performed, but on the basis of so many number of hours
26 for which someone is paid.

27 In that case -- this is I would say
28 something which applies to workers and in that category
29 manual workers or those who are semi-skilled or skilled
30 workers. They are paid on the basis of time devoted to



1 English

2 Then the usual basis of calculation
3 of their productivity is again raised. For instance,
4 you know productivity in a very short definition is
5 capacity to produce. Capacity to produce may be tied
6 with various factors tending to make the production
7 possible.

8 It is tied to the amount of investment.
9 It is tied to the operation of the machine. It is tied
10 with the time a person is devoting to work. It relates
11 to all the factors, what we call productive factors and
12 investment is one, surely.

13 If we have the proper devices to do so
14 we can calculate which is productivity and investment.
15 It is a well known theory which is the productivity
16 of a machine, which is the productivity of a man and
17 the simplest way to calculate the productivity of a
18 person is when this person is paid for the number of
19 hours devoted to.

20 In the case of pilots it is not that
21 which is paid, which is quite different. Therefore
22 we have to relate that with the factor which is
23 accountable. What is the factor accountable? It is
24 the factor which is the basis of the earning capacity
25 of the instrument. The earning capacity of a ship
26 is its tonnage. I don't see any other measure. It is
27 made to transport goods and this is the measure of
28 capacity of a ship: gross or deadweight or net tonnage.
29 Whatever the measure it is based on tonnage in each
30 case.



1 English

2 For instance, if you take a ship that
3 will load 700 tons of goods and it takes so much time
4 to cover that part of the river; then take another boat
5 which is not faster but which has double the capacity
6 of loading goods. That is, instead of 700 tons
7 it would be 1,400 tons. It will take the same time
8 in both cases. You will have one pilot.

9 Q. Are you taking the cargo or net tonnage?

10 A. I am taking the tonnage for simplicity. It
11 is very difficult to find the exact cargo. The vessel
12 has the tonnage registered. It all depends on the
13 type of cargo. For the sake of simplicity I say
14 700 tons of goods transported in the first case and
15 then 1,400 tons.

16 Q. Are you taking the cargo or net
17 tonnage?

18 A. The only way we had at our disposal
19 was net tonnage. The cargo is impossible. You have
20 to have the history of each ship for each trip, and
21 the tonnage from one section of the river to another
22 section of the river. It is loaded here and there.
23 We have to take registered tonnage, which is a registered
24 figure. I am taking that for an illustration. This
25 pilot in terms of productivity based on the trips and
26 tonnage will have double his productivity. That is
27 all.

28 It remains just a relative figure and
29 a way of measuring.

30 I would think it might be much harder



1 English

2 to find the productivity of a lawyer than a pilot.
3 I think the lawyer might be the hardest to calculate
4 as there are so many circumstances that surround his
5 work. In some cases it will take five minutes to
6 settle a problem and in other cases the problem, which
7 looks simple to the layman, might take the lawyer three
8 days before he could give an answer. You cannot
9 measure the productivity of an act under the circum-
10 stances.

11 In the case of doctors in a certain
12 specialization you can find the productivity of a
13 doctor. The one who operates for tonsils, he takes
14 about fifteen minutes to do that with the improvements
15 of surgical instruments; in other cases it is absolute-
16 ly impossible to measure the productivity. It takes
17 five hours to operate for certain kinds of sickness.

18 We have some mathematical basis and
19 official basis upon which we can assume our calculation.

20 Q. I draw your attention to certain
21 exhibits which have been tabled before this Commission
22 and ask you to comment on the exhibits. I am showing
23 you Exhibit 961, which was tabled before this Com-
24 mission, and which is an estimate of cost of two
25 time chartered ships, relating the cost of operation
26 of that ship with the pilotage cost for a trip between
27 Les Escoumains and Port Alfred in both cases.

28 As you have noticed the calculation
29 was made of a monthly rental of a ship or time
30 chartering of the ship. This was reduced to daily



1 English

2 cost and hourly cost and the comparison made with the
3 total pilotage cost for the trip.

4 The conclusion is reached here that
5 pilotage represents up to 65 per cent of the vessel's
6 cost here, or 59.3 per cent in another instance. On
7 the second page the pilotage cost represents 51.4 per
8 cent on another example, but which is exactly the
9 same basis.

10 I don't want to go into the whole
11 aspect of that. I am wondering if you have any
12 comment as to the validity of this type of comparison,
13 and in particular this type of calculation, in the
14 light of what you have said as to productivity?

15 A. Well, I would like to know first in
16 order to analyse correctly these figures what is meant
17 by pilotage total charges for the period? Is it
18 total charges for the month?

19 Q. In evidence it was clear this is a
20 cost for one trip between Les Escoumains and Port
21 Alfred.

22 THE CHAIRMAN: I think I might
23 clarify the point by a note I made myself. It would
24 be quite different if comparisons were over the dura-
25 tion of the whole trip. It would then be only a
26 small percentage. If you calculate twenty minutes
27 to tie up the ship the figure you pay for that time
28 might come to about eighty per cent of the cost of
29 the ship for twenty minutes.

30 THE WITNESS: It was exactly that



1 English

2 answer I was going to give.

3 THE CHAIRMAN: If you read the exhibit
4 the way it is presented I think it is all right.

5 THE WITNESS: You are perfectly
6 correct in saying what you have said. If you want
7 to make a real comparison with comparable things this
8 is the basis of that. We should exactly know what
9 was for a given month.

10 THE CHAIRMAN: For a trip.

11 THE WITNESS: Suppose it was a given
12 month. We should have known for that ship what
13 was the total cost for the month of pilotage cost
14 because pilotage couldn't very well have been given
15 as part of the location, as it were, for the seamen.

16 MR. LALONDE:

17 Q. Part of the rental of the ship?

18 A. It might very well have been part of
19 the ship. They might say, "We will rent to you a
20 ship with all services connected to it for so much."
21 Depreciation is included, return on investment, and so
22 forth.

23 THE CHAIRMAN: I could give you an
24 example where it shows it could vary. You have the
25 case of the CARSON trading between Port au Basque and
26 North Sydney. It makes the trip daily and therefore
27 he has pilotage to pay at each end. Therefore the
28 incidence of the pilotage costs is going to be much
29 greater in that case than when a ship is coming from
30 London into the St. Lawrence every two weeks or three



1 English

2 weeks.

3 MR. LALONDE:

4 Q. If I understand you, Mr. Martin, you
5 stated that if we take the basis for rental as the
6 figure of \$29,376, which appears at the top, that is
7 the rental for the month, we are to compare as to
8 the cost of pilotage for that ship we should have
9 taken pilotage for the whole month?

10 A. When we are making a comparison one
11 of the essential and simple things to do is to make
12 things comparable comparable.

13 Q. Could not one say they have been made
14 comparable to reducing costs per hour?

15 A. No. You are still keeping all the
16 factors making the total of the month.

17 Q. In this respect I also draw to your
18 attention Tables 937 and 957, tabled before this Com-
19 mission, which you have already seen, I believe, and
20 which are a comparison of pilotage charges for various
21 ships between port charges and pilotage charges. Some
22 of these ships go as far as Duluth and others only
23 go as far as Port Alfred.

24 You get figures of up to 40 per cent
25 or 43 per cent representing the cost of pilotage with
26 regard to the total port charge.

27 Do you have any comment to make in
28 respect of these exhibits?

29 A. It seems to me these calculations have
30 the same effect as the other sets of figures. If you



1 English

2 want to compare things that are comparable we should
3 try and find out if it is possible to extract from
4 the total cost of pilotage only that part of the cost
5 of pilotage which is tied to port charges. We are
6 comparing port charges with cost of pilotage, which
7 as far as the river is concerned, extends from
8 Montreal to Les Escoumains.

9 Q. Or the Port of Duluth to Escoumains?

10 A. Yes, way back.

11 Q. You should have pilotage in the indi-
12 vidual ports?

13 A. This would give a different figure.
14 You take that portion of the pilotage which is tied
15 into port charges.

16 THE CHAIRMAN: But the cargo has
17 also some influence on the pilotage cost because the
18 draught is taken into account.

19 THE WITNESS: Yes, surely.

20 THE CHAIRMAN: Also has something
21 to do with the port charges so therefore there is some
22 similarity if not altogether.

23 THE WITNESS: There is to that extent
24 but since we are comparing with geographical areas,
25 because within geographical areas we should tend to
26 confine cost to those geographical areas which are
27 ports.

28 THE CHAIRMAN: I think the purpose
29 of the exhibit was to show how much it cost to bring
30 a ship up to Duluth from the ocean and what are the



English

normal other costs that are going to be incurred by that ship.

THE WITNESS: Mr. Chairman, in that case we should have calculated all the costs from Les Escoumains to Duluth, not only port charges.

THE CHAIRMAN: You mean shipping costs?

THE WITNESS: Yes. We cannot compare a cost which covers all the river from Escoumains to Duluth and take costs for part here and there of the river.

MR. LALONDE:

Q. To establish a percentage?

A. Yes.

THE CHAIRMAN: All the costs in the exhibits are costs that are outside.

THE WITNESS: Outside costs, but they don't compare. This is the problem. It is like comparing the costs for the Seaway. It is cost but what does it mean compared to other costs? These are not comparable, that is all.

THE CHAIRMAN: It shows what the shipping interests have to take into account when planning the trip to Duluth.

THE WITNESS: That is perfectly right.

MR. LALONDE:

Q. Does it show all the cost which the ship has to take into consideration when it was going up to Duluth? In fact it shows how much it cost in



1 English

2 pilotage and how much in port charges.

3 A. The Seaway cost is not included.

4 MR. JACQUES: The Seaway is included.

5 THE WITNESS: This is a demonstration
6 of outside costs. If you want to make a demonstration
7 of what is the importance of each outside cost within
8 the structure of the total outside cost it is all right.
9 It may be useful for some purpose but not so far as I
10 am concerned with the purpose in the brief.

11 THE CHAIRMAN: It might make a dif-
12 ference for the shippers if it is a paying proposition
13 or not.

14 THE WITNESS: It might. There are
15 other factors which have to enter consideration.

16 MR. LALONDE: I have no further
17 questions, my lord.

18 MR. BRISSET: My lord, we have been
19 dealing with rather abstract matters and I am wondering
20 whether it would be imposing on you if I asked that I
21 be permitted to delay my cross-examination until
22 after the recess.

23 THE CHAIRMAN: I have a few questions.
24 I notice that you are talking about traffic in the
25 brief here and you take the year as 1945, and when
26 you are talking about the pilots you take 1948. Is
27 there any reason for it?

28 A. Could I have the exact reference?

29 MR. LALONDE: At the end of Chapter 2.

30 THE CHAIRMAN: It appears to me by



1 English
2 taking 1945 for the traffic that you took the very
3 year where there was almost no traffic in the river.
4 It tends to show a very great increase in traffic.

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1 (English)

2 THE WITNESS: Oh yes, I see your point.

3 THE CHAIRMAN: When you come to income you
4 choose 1948 because you said that if we take 1945 or
5 1946 it would show an abnormal increase. Would it not
6 have been better to take also 1948 to have the same basis
7 because it also would be an abnormal period of traffic?
8 In one case we are talking of work load and in the other
9 case we are talking of income and it seems at first blush
10 that you have taken the best of both.

11 THE WITNESS: No, Mr. Chairman, no; it may
12 seem like that but it does not make any difference at
13 all whether you choose 1945, 1948 or 1950. In any case,
14 we can compare only that item in its variations over the
15 years rather than comparing each item with the other.
16 When we have done that - and we have done that mainly
17 when discussing this question of cost per ton of the
18 pilotage - we have taken the same basis because these two
19 factors have been taken together but comparing the
20 variations over the years. It does not matter too much,
21 however; this was only put in to show the variation in
22 the case of tonnage, for instance, and with regard to
23 traffic this was only to show how the river has grown
24 as an economic factor, as a dynamic economic factor in
25 the economy of the nation. This was the only purpose.

26 THE CHAIRMAN: Yes; of course, the period
27 before the war would not I think have been too
28 indicative either because that was a depression period.

29 MR. LALONDE: I think there are two
30 assumptions in the statement which you have made about



1 (English)

2 which I would like to comment.

3 THE CHAIRMAN: May we first get an answer?

4 MR. LALONDE: You referred to the total in
5 paragraph 132, "Relative increase in the number of ocean
6 and coastal vessels from 1945 (= 100.0) to 1961 in the
7 principal ports of the St. Lawrence River." Table I,
8 for instance, was not a comparison at all of 1945 to
9 1961; it was a simple addition. Secondly, if you look
10 at Table V and Table VII - that is, Great Lakes and Upper
11 St. Lawrence and the Harbour of Montreal - you will see
12 that the year 1945 is not a low year as far as the number
13 of ships are concerned in tonnage. You had in fact a
14 large number of ships in 1945, larger than in 1946 --

15 THE WITNESS: That is right.

16 MR. LALONDE: -- in the Great Lakes and
17 Upper St. Lawrence. The same applies, Mr. Chairman, to
18 the Harbour of Montreal.

19 THE WITNESS: That is right.

20 MR. LALONDE: As far as coastal vessels are
21 concerned it is pretty well the same number. In fact,
22 the total number of ships in the Harbour of Montreal was
23 higher in 1945 than in 1946.

24 THE WITNESS: That is correct.

25 MR. LALONDE: So there was then an assumption
26 that 1945 was a low year in what Your Lordship has
27 stated.

28 THE CHAIRMAN: I get that from paragraph
29 132.

30 THE WITNESS: I want to give you the real



1 (English)

2 explanation of that. What I was comparing, as I told
3 you, was a movement of the maritime traffic in the whole
4 of Canada, and my two terms of comparison were on the
5 one hand the ports of the St. Lawrence River and on the
6 other hand all the Canadian ports. These were the terms
7 of comparison and both have started in the same year.
8 It is quite independent, as far as the income of pilots
9 is concerned, and there is no relationship whatsoever
10 there in that table.

11 THE CHAIRMAN: That is what I wanted to have
12 explained because we might think the work load has
13 increased so much, and there is no basis for that. We
14 would want to know the basis for it.

15 With regard to training, have you thought
16 that it might be a good thing to have training for actual
17 pilots rather than just for apprentices because of the
18 new devices that have been developed since the war such
19 as radar and echo sounding and all the developments that
20 will come about in the near future?

21 THE WITNESS: Mr. Chairman, as in many other
22 trades, they do have training on the job. There is a
23 training on the job.

24 THE CHAIRMAN: Do you think so with radar?

25 THE WITNESS: Oh yes, they are trained on
26 the job; that is certain. These people are seamen and
27 they know how to handle the nautical instruments. They
28 know the basis of calculations and everything; they have
29 to know this. I think there is already a sufficient
30 amount of knowledge on their part and a sufficient amount



1 (English)
2 of ability to enable them to handle these new devices
3 very quickly. They are appealing to their own resources;
4 they are experienced men and therefore I would think they
5 are doing that. We see the same thing in many other
6 trades. The older workers have enough background to
7 adapt easily to new devices in other trades.

8 THE CHAIRMAN: If we tell you that we have
9 heard of some pilots who said that they did not believe
10 in radar, for instance, what would you say?

11 THE WITNESS: This might be so. There are
12 always people who do not believe in improvements and who
13 do not believe in any innovation.

14 THE CHAIRMAN: Would that not be because
15 they do not have enough knowledge of those improvements?

16 THE WITNESS: Not necessarily; it might be
17 just a psychological attitude towards new things. You
18 know very well, Mr. Chairman, that there are people who
19 are always against new things.

20 THE CHAIRMAN: But would it be a good thing
21 when there is a new device for some kind of training to
22 be given to these people who have to use those devices,
23 devices which are very specialised?

24 THE WITNESS: If they are so specialised
25 that they require training in order to be handled in the
26 manner in which they should be handled, well I think this
27 would be the case. I think in this case it would have to
28 be done.

29 THE CHAIRMAN: From what we gathered in
30 regard to the radar, for instance, it is very difficult



1 (English)

2 to read the radar.

3 THE WITNESS: This might be so; I am not
4 conversant with this aspect.

5 THE CHAIRMAN: You spoke of training that
6 should be given to apprentices. As you know the
7 Commission here is not thinking only in terms of the
8 St. Lawrence but is thinking in Canada-wide terms. We
9 have all types of pilots; we have coastal pilots, river
10 pilots and harbour pilots, and in some places the harbours
11 are very small. What do you think about the training in
12 terms of Canada as a whole?

13 THE WITNESS: It is a very difficult
14 question to answer, Mr. Chairman, because it must fit
15 the type of job that has to be performed. If you assume
16 that conditions in other parts of Canada are so different
17 and that the type of work is so different from the type
18 of work in this part of Canada, then I think the type of
19 training has to be different because it has to fit the
20 kind of work which has to be performed.

21 THE CHAIRMAN: In places you may find that
22 you would not have an candidates who would be able to
23 take any type of training. Take for example Prince
24 Edward Island where the income is so low it is not
25 attractive. There they are obliged to take local
26 fishermen.

27 THE WITNESS: The only way to solve that is
28 to raise the salaries.

29 THE CHAIRMAN: The traffic cannot bear that
30 apparently.



1 (English)

2 THE WITNESS: Well, the traffic should not
3 be there. If for the welfare of the population of Prince
4 Edward Island it is necessary to have the traffic, then
5 the state must intervene to make this possible if they
6 want private initiative still to be there; they must
7 intervene to effect this end by means of subsidy. If
8 they do not do that, then the government will have to
9 operate the whole thing. I do not think there is any
10 other way out. If private initiative is the most
11 efficient way of serving the population of Prince Edward
12 Island, then give them subsidies.

13 THE CHAIRMAN: The solution found by the
14 Commissioners there is to give limited licence by
15 obliging their pilots to tell the masters that they are
16 not skilled in docking ships but only in local knowledge.

17 THE WITNESS: This might be a solution. I
18 am not in a position to say.

19 THE CHAIRMAN: So situations like that do
20 crop up almost everywhere.

21 The hearing will be adjourned for cross-
22 examination until 2.30.

23 ---LUNCHEON ADJOURNMENT.

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1 English

2 ---On resuming at 2.30 p.m.

3
4 CROSS-EXAMINATION BY MR. BRISSET:

5 Q. Mr. Martin, during the course of your
6 evidence this morning, you have offered some comments
7 on Exhibit 961. I would like to review some of the
8 points with you. Would you have before you a copy
9 of Exhibit 961?

10 A. No, I don't, sir,

11 Q. Mr. Martin, do you agree with me that
12 the pilotage act itself may vary in charges depending
13 upon circumstances? For instance, you may have a
14 pilotage act which consists in docking a ship which
15 would be an operation limited in time, but very im-
16 portant in so far as the pilotage act is concerned;
17 while you may have a pilotage act which may be com-
18 paratively long from the point of time, being also
19 itself of importance but the two are not absolutely
20 comparable like a long pilotage through the river.
21 Would you agree with this?

22 A. Yes, in terms of length of time.

23 Q. Yes. I would like to refer to
24 Exhibit 961. You will notice that we are dealing
25 here with a pilotage act which consists of the transit
26 of a river within a certain pilotage district; in this
27 case, I believe, from Escoumains to Port Alfred. You
28 will see that the time given for the performance of
29 this pilotage act is eight hours and twenty minutes?

30 A. Yes.



1 English

2 Q. Would you agree with me that in
3 point of time it is a comparatively long act?

4 A. You mean as far as ---

5 Q. Time is concerned?

6 A. Time is concerned -- well, as compared
7 to other times?

8 Q. Compared to a docking it would be a
9 comparatively long period of time?

10 A. Yes, normally, yes.

11 Q. Now, may I suggest to you that the
12 only purpose of this statement was to compare the cost
13 of pilotage during that period of time, eight hours
14 and twenty minutes, with the cost of an operation of
15 the ship during that same period of time in order to
16 show what the cost of pilotage is, in comparison to,
17 for instance, the total wages paid to the crew during
18 the same period of time; the total cost of operation
19 of vessel as detailed in the list at the bottom of
20 the document?

21 A. Yes.

22 Q. Do you understand the purpose of the
23 document now?

24 A. Well, you mean the purpose of the
25 document was to compare for that period of time under
26 consideration the cost of operating the vessel and the
27 cost of pilotage. Was that what you had in mind?

28 Q. Yes. In other words, Mr. Martin, we
29 agree with you that if one were to take the case of
30 a pilotage act, which would only be the docking of a



1 English

2 ship, you would have a comparison which would really
3 be out of proper proportion?

4 A. How do you mean in that?

5 Q. You might have a docking act which may
6 cost say \$800, while during that same period of time
7 the total cost of operating the ship is only \$50?

8 A. Yes, this might happen.

9 Q. My next point is this, Mr. Martin:
10 If you extend the trip, for instance, if you take a
11 ship from Les Escoumains right up to Duluth, it would
12 make the same comparison, the same type of comparison?

13 A. Well, you might, if you want, but
14 you didn't.

15 Q. I agree we did not, but I just
16 say it could be done. If you take a long trip,
17 a long pilotage trip which involves many pilotage
18 acts by various pilots all along the way ---

19 A. Yes.

20 Q. A trip which may last in so far as
21 pilotage is concerned for four or five days?

22 A. Yes.

23 Q. Would you agree that there would be
24 some merit in making this type of comparison?

25 A. No.

26 Q. You would not? In other words, if
27 I understand your reaction to my question it is:
28 The pilotage act can never be compared, for instance,
29 to what you paid the crew during the same period of
30 time that the pilot is on board?



1 English

2 A. I agree, sir, if you would pay the
3 crew on the basis of trips. You do not.

4 Q. Why is it that if we do not pay the
5 crew on the basis of trips you could not compare the
6 total wages paid to the crew to the remuneration paid
7 to the pilot during the same period?

8 A. No, you can't make any comparison if
9 you don't pay the crew on the basis of trips.

10 Q. I see. In other words, am I correct
11 in concluding from your answer that in order to deter-
12 mine what may be the proper remuneration of a pilot,
13 one should never look at what is paid to a master, for
14 instance, as his wage or emolument?

15 A. We didn't say that, because what we
16 have to compare in that case is the salary paid to the
17 Master for a given period, let us say, the navigation
18 season and the income derived for a pilot for the
19 navigation season. If you take the same length of
20 time, right, and still there is another difference
21 that you have to make in there. On one case you have
22 a salaried man. On the other case you don't have a
23 salaried men. You have a man who is paid for a pro-
24 fessional act on the basis of that act for a number of
25 trips.

26 Q. Would you agree that in determining
27 what should be the yearly salary or remuneration of a
28 pilot in the same locality or area or country and the
29 yearly salary of the Master of a ship, for instance,
30 could serve as some guide?



1 A. No, not necessarily.

2 Q. You don't think there is any relation
3 between the two?

4 A. Well, you can make the same comparison
5 for such purposes, if you want to show what is the
6 trend between the various costs of persons employed
7 for navigation purposes. I mean, the trend between
8 the various costs, but to compare one item with the
9 other item and say there should be a ceiling
10 on pilotage costs because there is so much cost for
11 a Master, I don't think you can do that because they
12 are not working on the same basis. It is just a
13 question of saying what is over a period of years the
14 variations that may occur on the one case and the
15 other case.

16 Q. In other words, the only useful pur-
17 pose you see in comparing the yearly emolument of a
18 pilot with the yearly emolument of a master or a
19 lawyer or an architect is to determine the trend?

20 A. Within his group.

21 Q. Within his group?

22 A. Whether the rate is going down or
23 going up and find out if there has been a pattern of
24 income.

25 Q. Mr. Martin, when did you start becoming
26 interested in pilotage matters?

27 A. Well, I started around 1955, if my
28 memory is good.

29 Q. You have during the years that followed,
30 I understand, done some work for the pilots in this



1 English

2 river, in connection, for instance, with pilotage matters?

3 A. Yes, I did.

4 Q. There has been filed before this
5 Commission a memorandum which I think was prepared
6 in the year 1959 on proposed rate schedules of pilotage
7 dues to be applied in the Montreal Pilotage District,
8 Exhibit 921?

9 A. Yes.

10 Q. Perhaps I should show you this?

11 A. Yes.

12 Q. Do you recall having done this work
13 at that time?

14 A. Yes, I did.

15 Q. Now, believe, at that time you had come
16 to the conclusion that net tonnage was a factor to be
17 considered in fixing the rates that should be paid for
18 pilotage dues?

19 A. Yes. This was not a new innovation
20 since the tariff was based already on tonnage and on
21 draught.

22 Q. The studies which you may have made
23 since that, that is since 1959 and particularly in con-
24 nection with the brief submitted by the Federation of
25 St. Lawrence River Pilots, have not brought you to
26 change your conclusions in this respect?

27 A. Would you repeat the question again,
28 please?

29 Q. The studies which you probably have
30 made since 1959 in tariff matters and particularly in



1 English

2 connection with the brief of the Federation of St.
3 Lawrence River Pilots, which was presented before
4 this Commission, have not brought you to change your
5 opinion with regard to net tonnage as one of the
6 factors in elaborating the tariff?

7 A. No, sir, for a very simple reason:
8 that there is nothing in that brief that discussed
9 the tariff so I did not consider it at all -- any
10 tariff question.

11 Q. Generally speaking, do you still
12 consider that net tonnage, which has been used, I
13 agree with you, for many years, is still a proper
14 factor to be taken into account?

15 A. I would feel so, although to what
16 extent I will have to study it again.

17 Q. You have indicated then during your
18 evidence that according to the statistics which you
19 had compiled and studied, you have noticed a trend
20 showing a steady increase in the net tonnage of vessels
21 that are now trading to our ports?

22 A. Yes.

23 Q. That is correct?

24 A. Yes. What table do you refer to?

25 Q. No, I am just referring to something
26 of a general nature. I think you said that this
27 morning -- I am not quite sure -- that ships are
28 bigger and bigger. There is larger tonnage.

29 A. Yes, according to the calculation I
30 have made and I think I can find the table there. Yes,



1 English

2 this is table 9.

3 Q. Table 9.

4 A. On Chapter 4.

5 Q. I see.

6 A. Pardon me -- Chapter 4, the second
7 part. This is after page 255.

8 Q. I see.

9 A. The French version. I just made a
10 calculation or divide it if you want, the total net
11 tonnage in one year to the number of ships from
12 Montreal to Quebec and it did the same thing in 1960.
13 In 1945, Montreal to Quebec, the average tonnage based
14 on net tonnage was 1649 and in 1960, 3330.

15 In Quebec-Escoumains in 1945, based
16 again on this type of calculation, 2133 net tonnage
17 and 1960, 4506, so it is double, based on that.

18 Q. Had you made a differentiation between
19 what we call in the trade the bulk traders and general
20 cargo vessels?

21 A. No, sir, I took the figures as they
22 were, tried to find out from what they had been taken,
23 from what sources.

24 Q. We have been told before this Commis-
25 sion that as regards the bulk trader, definitely
26 there has been a trend showing an increase in their
27 size and tonnage over the past few years, but as
28 regards the general cargo vessels trading into the
29 St. Lawrence and Upper Lakes that that trend did not
30 exist and perhaps, to the contrary, the trend was in



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1 English

2 the other direction.

3 Have you noticed that?

4 A. No, I didn't notice that because I
5 didn't have the figures, but I think this might be
6 a reasonable assumption.

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English

Q. Mr. Martin, in your evidence I picked up the expression or a definition which I am not sure I quite understood. I would like to go over it again. You were speaking at the time of the increase in the tonnage^{of} vessels.

A. Yes.

Q. And you were speaking, of course, of the net tonnage?

A. Yes.

Q. And you said this: The loading capacity of a ship is expressed in net tons. What did you mean exactly by that? Did you mean the greater the net tonnage the more cargo the ship was to carry?

A. No, not exactly. I said this was a measure of the loading capacity of a ship.

Q. You consider the net tonnage as a measure of the loading capacity of a ship?

A. Yes, it is a measure.

Q. I think you went further, Mr. Martin, in developing this point in relation to the productivity of a pilot. I will review the illustration you gave us and I would like you to stop me if I go wrong in it.

You gave us, using round figures, the case of a ship of 1000 net tons which you said would yield, say, 700 tons of cargo?

A. Given cargo.

Q. Then you said: Consider this with a



1 English

2 ship of 2000 tons that will yield 1400 tons of cargo?

3 A. Yes.

4 Q. And I think your conclusion was that
5 it was quite normal for the pilot to expect greater
6 remuneration in piloting a 2000-ton ship than he
7 would in piloting a 1000-ton ship?

8 A. Yes.

9 Q. Because she carried twice the quantity
10 of the former?

11 A. Yes, for the same amount of work, the
12 same length of time.

13 Q. In other words, am I right in assuming
14 that you did consider that there was an increase in
15 the productivity of the pilot when he piloted the
16 2000-ton ship compared to the 1000-ton?

17 A. I considered there was an increase in
18 productivity, yes.

19 Q. Am I right in assuming this increase
20 in productivity in your view warrants a greater
21 remuneration for the pilot, for the single pilotage
22 act of piloting a 2000-ton ship?

23 A. Yes, it does.

24 Q. Why would that be?

25 A. Because the pilot is one of the cost
26 factors involved. The investment in the ship is
27 another cost factor and I would say the remuneration
28 to the investors also must be greater because the
29 investment has a right to yield with the returns from
30 improvement so the productivity of the investment is



1 English

2 also increased.

3 Q. I take it, then, that you assume, Mr.
4 Martin, that the 2000 net ton ship was the costlier
5 ship than the 1000-ton ship?

6 A. More costly. It might be.

7 Q. Therefore you related the additional
8 cost of the ship as a factor which would justify an
9 increase in the cost of pilotage?

10 A. No, not at all. There is no relation
11 whatsoever.

12 Q. Between the cost of the ship and the
13 cost of pilotage?

14 A. No. If this investment has been a
15 good investment it must have some share in the proceeds
16 resulting as any other operating cost factor.

17 Q. Do you agree with me, Mr. Martin, that
18 today shipowners are of course building more expensive
19 ships, not only because they are more expensive but
20 because they are better instruments to carry their
21 goods?

22 A. Yes.

23 Q. With a view to reducing costs, for
24 instance?

25 A. Yes.

26 Q. In other words, you build a 40,000
27 bulk carrier instead of two 20,000, and your cost,
28 leaving aside your investment, your cost of operation
29 is cheaper on the whole?

30 A. Sure.



1 English

2 Q. Do you not think this is reflected
3 also in the cost of pilotage?

4 A. Yes.

5 Q. Do you consider from the analysis
6 that you have made, and we have some statistics showing
7 the cost per ton, that this objective has been obtained?

8 A. Yes, I am sure it has been. Other-
9 wise the decision of the shipowners is completely
10 wrong to build larger ships. If they are building
11 larger ships, better equipped, it is because they
12 feel it is a better business proposal and will yield
13 better returns for their investment. That does not
14 mean the cost per unit in absolute figures is re-
15 duced. They are increased. The net result of
16 the whole operation is supposed to yield better
17 dividends to the investor. In other words, the
18 shipowners are foolish if it does not.

19 Q. Mr. Martin, let us go back to the
20 illustration you gave us of the two ships of 1000 tons
21 net and 2000 tons net, respectively. Let us take the
22 first one, the 1000-ton net vessel that goes up the
23 St. Lawrence. She will pay "X" dollars. Let us
24 take the 2,000 tons now on the same route coming
25 from Escoumains to Montreal; according to your view
26 of the situation the 2,000-ton should pay more.
27 Should it pay double?

28 A. To what?

29 Q. To the 1,000-ton.

30 A. Pay double for whom or to whom?



English

Q. To the pilot?

A. No.

Q. Do you work it on a basis like this or not?

A. No, not at all. It should pay the same as it pays to the other cost factors.

Q. However, from the point of view of statistics when you decide how much per ton the pilotage cost is you relate it always to the net tonnage; don't you?

A. Yes, and the draught. You mean for the calculation of what we call the pilot productivity?

Q. Yes. Will you refer to Table 11 on page 98 of the French text?

A. Yes.

Q. Let us look only at the District of Montreal-Quebec?

A. Yes.

Q. In 1948 you have a cost per net ton of .044 cents?

A. Yes.

Q. So to use your own illustration the 1000-ton net vessel would have paid in 1948, \$44. Is that right?

A. Oh, it is not \$44. It is 4.4 cents.

Q. 4.4 cents multiplied by 1000 would be \$44?

A. Yes.



1 English

2 Q. In 1962 the same ship would have
3 paid \$40, if you refer to your last figure?

4 A. Yes.

5 Q. A 2000-ton ship, the tendency having
6 been to increase the tonnage of the ships, would have
7 paid in 1962, \$8.

8 A. Not at all. It doesn't make any
9 difference according to the size of the ship. It is
10 the unit. Whatever the size it is a constant unit.

11 Q. You say, if I read the table correctly,
12 that this is a table that shows cost per ton, per net
13 registered ton. Is that correct.

14 A. Yes.

15 Q. So in 1962 the 2000-ton ship paid
16 \$80?

17 A. Yes, \$80; but still the same cost
18 per ton.

19 Q. But as far as the revenue of the
20 pilot is concerned which he derives out of the tariff
21 he gets a higher revenue? It is mathematical. He
22 gets the same revenue as if he were piloting two
23 1000-ton ships?

24 A. No. I think here we are confusing
25 tariff with a a device which we have established if
26 on the basis of tonnage the services of the pilot are
27 higher at one time as compared to the other. That is
28 all. We have to avoid by all means confusing the two
29 issues. You are still working on tariff. We can't
30 understand each other.



English

Q. Let us look at the year 1962 when your statistics show that the cost per net ton was four cents. If you have a ship of 1000 tons it is still four cents?

A. It is still four cents.

Q. And if 2000 tons?

A. Still four cents. This is an aggregate.

Q. Where does the shipowner who has put into service a larger vessel get any benefit from the fact that he is using a better instrument of larger capacity?

A. He may find that result from many factors because surely it would cost more in absolute terms for fuel for a ship of 10,000 tons rather than a ship of 5,000 tons. In theory it might not. These are factors that are very difficult to analyse unless we have a very definite and careful cost analysis of each case. We don't here, so I cannot pass any judgment on it and I would not.

Q. Let us go back to another illustration I want to give you. Let us assume that we have a port, which I will call port "A", in which vessels have to come using pilots. One year you find that the net tonnage was one million. You look at the quantity of cargo that has come in and out of the port and you find it was also one million tons. Let us assume the following year the tonnage of the ships that came in, the net tonnage, is two million but the tonnage of the



1 English
2 cargo that has come in and out is still one million.
3 What would you say to this? What is the reason?
4 What could possibly be the reason for such a discrepancy?

5 A. Well, either the shipowners were forced
6 by competition to unsuccessful business or they were
7 poor businessmen.

8 Q. Whether it be because of poor business
9 ability or too strong competition, do you feel under
10 such circumstances this state of affairs should be
11 reflected in the pilotage tariff?

12 A. I don't see that, sir. I don't see
13 that any more than I see that any professional fees,
14 lawyers or doctors or dentists, any kind of fee you
15 would like to assume, should be geared to the ability
16 of your client of one year and geared to the ability
17 of your client the next year. You charge the same
18 thing whatever is the variation of the income position
19 of your client for the same service.

20 Q. However, Mr. Martin, if we are dealing
21 with the productivity of pilots, of which you have
22 spoken earlier, would you agree that in the illustra-
23 tion that I have given you that in the second year
24 when the two million tons of net tonnage vessels have
25 come in there has been an increase in the productivity
26 of the pilots?

27 A. If we geared that on the net tonnage I
28 would say yes. If we want to gear that under cargo
29 I would not mind providing we have all the information
30 on the cargo of each vessel, but we don't. We have to



1 English

2 take the only measure which is available.

3 Q. However, Mr. Martin, you have been
4 speaking in the abstract, haven't you, when you were
5 saying that the net tonnage reflects the carrying capacity
6 of the vessel?

7 A. Yes, it is a measure.

8 Q. That is why you relate the tariff from
9 which the revenues are derived by the pilots to that
10 net tonnage?

11 A. Surely. I think this is a much better
12 measure than cargo measure because this one is not
13 varying. It is a registered figure. The cargo may
14 vary from one trip to another trip on the same vessel.

15 THE CHAIRMAN: Is it not better to say
16 that it is not a measure but a clue.

17 -

18 -

19 -

20 -



1 (English)

2 THE WITNESS: Maybe it is not a perfect
3 measure but we do not have a better measure than this
4 one; this is the problem. Its value lies in the fact
5 that it is a constant measure.

6 Q. Will you refer to Table VII at paragraph
7 125.

8 A. Yes.

9 Q. I would direct your attention to the
10 left-hand side of the document which speaks of ocean
11 navigation only.

12 A. Yes.

13 Q. I would like you to compare the results
14 of, say, the year 1948 --

15 A. Yes.

16 Q. -- which we have used as a normal year
17 in previous evidence --

18 A. Yes.

19 Q. -- where you will see that in 1948 the
20 total net tonnage of the ships that came into our ports
21 was 8,806,135 tons.

22 A. Yes.

23 Q. Net.

24 A. Yes.

25 Q. The cargo they carried was 8,390,861
26 tons.

27 A. Yes, I see that.

28 Q. In 1961 the total net tonnage of the
29 ships that came to our ports was 21,311,212.

30 A. Yes.



1 (English)

2 Q. While the cargo they carried in and
3 out was only 10,923,986.

4 A. Yes.

5 Q. Should I conclude from this that in
6 1961 the ocean ship operators were bad businessmen?

7 A. Not necessarily.

8 Q. What could possibly be the explanation
9 for the large increase in net tonnage as compared to
10 the tonnage of cargo carried?

11 A. This might be due to the change of
12 functions on the part of the Port of Montreal, and this
13 would influence the type of cargo. You have to carry
14 the cargo that will bear the highest ratio as between
15 net tonnage and cargo. However, this does not mean that
16 shipowners are necessarily bad operators because it might
17 still be very profitable to work under these conditions.
18 It all depends on the freight rates and it all depends
19 on the type of cargo being transported.

20 Q. But still, M. Martin, in the light of
21 these figures, particularly the year 1961, do you still
22 consider that the net tonnage is a proper factor to
23 elaborate tariffs out of which pilots will obtain their
24 remuneration?

25 A. I would feel so, sir.

26 Q. You still do?

27 A. Yes.

28 Q. Have you made any study of the shipping
29 industry particularly, or some of its aspects, during
30 the years you have been acting as consultant to the



1 (English)

2 pilots?

3 A. What do you mean by a study of the
4 shipping industry?

5 Q. I do not mean to go into every aspect of
6 it but rather regarding some particular aspect of the
7 shipping industry.

8 A. No, not necessarily. I perform for
9 the pilots whatever I am asked to perform, as a
10 professional act.

11 Q. Will you again refer to this Table VII
12 and see what happened in the case of the coastal shipping
13 industry.

14 A. Yes.

15 Q. Where, on the contrary, the figure of
16 net registered tonnage of the ship seems to have kept
17 in line with the tonnage of the cargo carried.

18 A. Yes.

19 Q. Could you give us an explanation for
20 this as compared with what happened in the ocean shipping
21 industry?

22 A. The only explanation I would give is
23 again this change of function, apparently, which is
24 taking place in the Port of Montreal. So the type of
25 cargo which goes out from the Port of Montreal has
26 changed. This is very important. I am sure that it
27 is absolutely necessary for a tariff which has to be
28 publicly known that the factors upon which it is based
29 should also be acknowledge publicly. Only registered
30 tonnage is acknowledged publicly; cargo as such is not



1 (English)

2 acknowledged publicly anywhere. Within that structure,
3 based on tonnage which relates to the maximum efficient
4 use, I would say, of the capacity of a ship - well, if
5 you have to take cargo which is using least efficiently
6 that capacity, you have to increase your freight rates
7 accordingly. If you take goods which are using the
8 capacity in the most efficient manner, then on that
9 basis you will set your tariff accordingly and the
10 tariff per unit for that type of cargo tends to be lower.
11 This is why we have so many variations in the tariff
12 rates; it is according to the type of goods and the
13 type of cargoes. This is very important.

14 Q. I have referred to Table VII which I
15 have noticed is only for the Port of Montreal. I think
16 you will agree that the same trend is reflected in
17 other tables dealing with other ports, though perhaps
18 not to as great a degree. Would you agree?

19 A. It varies. If you take Sorel, for
20 instance, you find just the reverse.

21 Q. Would you consider Sorel to be foremost
22 a grain port?

23 A. Yes.

24 Q. Grain in bulk?

25 A. Sorel has been in the past a grain port
26 but it becomes more varied now. It has a tendency to
27 render other services and to be an extension, as a
28 matter of fact, of the Port of Montreal.

29 Q. If you refer to the Port of Three
30 Rivers, again you will find for 1961 a net tonnage of



1 (English)

2 4,555,485 and cargo carried 1,838,812. Could not the
3 explanation of the case of the Port of Three Rivers be
4 that ships are stopping there to top off, for instance,
5 just to take additional cargo?

6 A. This might be the case but I do not
7 know the explanation.

8 Q. While Montreal is a true terminal port
9 in the sense that more ships are likely to be loaded
10 here to their full cargo booked? Do you agree with that?

11 A. Yes although - and this is important to
12 me - the statistics do show that there is an important
13 and basic change of functions that is taking place in
14 the Port of Montreal. The Port of Montreal is tending
15 to transfer its terminal function to other ports.

16 Q. Which one?

17 A. I would say to Sorel mainly, and to
18 Quebec City.

19 Q. Do you believe your statistics
20 establish that?

21 A. Well, they tend to show that.

22 MR. LALONDE: Table XIII rather shows the
23 same tendency for the port of Quebec?

24 THE WITNESS: Yes; the statistics are very
25 interesting from that point of view.

26 MR. LALONDE: The increase of cargo in
27 Quebec is more in the same range as the increase in
28 tonnage?

29 THE WITNESS: Yes.

30 MR. BRISSET: Q. Let us leave statistics



1 (English)

2 and economics, M. Martin, and pass on to another topic.
3 You have stated that the job of pilot was getting to be
4 more difficult nowadays because of the increase in
5 traffic. I believe you have indicated that.

6 A. Yes.

7 Q. There are more ships and therefore it
8 is more difficult to pilot?

9 A. Yes, in respect to that factor; yes.

10 Q. M. Martin, would the disadvantages
11 brought about by an increase in traffic not be compen-
12 sated by the other factors such as better dredged
13 channels, better marked channels, better equipment, more
14 efficient equipment on board ships, better manoeuvre-
15 ability of ships and modern ships and so forth?

16 A. Yes, this might be compensative, but
17 to what extent it would be compensative is very hard to
18 say. It is difficult to say whether it compensates for
19 50 per cent or just for a third; this would have to be
20 studied. I would agree with you if there would be
21 better channels, better dredged and better marked, but
22 as you know very well this is not the truth for the
23 time being. There has not been a very great improve-
24 ment as far as this aspect of the problem is concerned.

25 Q. You mean in the river channel?

26 A. Yes.

27 Q. How many years ---

28 A. The channel is about the same as it was
29 five years ago.

30 Q. What about the ships? Do you consider



1 (English)

2 they are better equipped, that they have better
3 technological equipment?

4 A. They might be better equipped. This
5 is a factor which increases the productivity of the
6 pilot and the productivity of the investment and the
7 productivity of the machinery that goes with the ship
8 and the productivity of the ship itself.

9 Q. In other words, these improvements in
10 the ship and in the channel and what-not make the job
11 of the pilot less difficult?

12 A. Less difficult in respect to these
13 factors although it might not compensate completely for
14 one-third or for one-half; I do not know. It might not
15 compensate for the increase in traffic because one may
16 have the best gadget on one's car but if one has to drive
17 one's car on a road which is completely congested it
18 certainly is more difficult than to drive with the same
19 gadget on a deserted road.

20 Q. Unless the road is also improved?

21 A. Yes, but even then one may be still
22 better off on a rather poor road where there is no
23 congestion at all. We are now making studies of the
24 traffic on the roads in order to find out what is the
25 right answer to these problems.

26 Q. I do not think we should get lost on
27 the highways, M. Martin!

28 A. You can see that traffic is traffic.

29 Q. M. Martin, when did you start becoming
30 interested in the training of pilots?



1 (English)

2 A. As I told you, in about 1955.

3 Q. You told us that at that time you had
4 discussions, and in the years that followed, with the
5 Shipping Federation of Canada?

6 A. Yes, I was present at a certain number
7 of meetings.

8 Q. Did you find an active interest also
9 on the part of the Shipping Federation in the training
10 of pilots?

11 A. Well, I think they were interested.
12 Maybe they did not show as much interest as they had.

13 Q. Generally speaking - and I want you to
14 think here only of river pilots as opposed to channel
15 and harbour pilots - would you say that you were in
16 agreement during these discussions with the views held
17 by the Shipping Federation?

18 A. Was I in agreement?

19 Q. Yes. Were you both more or less agreed
20 on what should be a proper training scheme?

21 A. If my memory is correct, I cannot say
22 that.

23 Q. No? You did not agree on what it
24 should be?

25 A. No, not in the very sketchy proposal
26 that was made at the time. As a matter of fact, I did
27 not discuss it too much because I did not take that too
28 seriously.

29 Q. In other words, you did not take the
30 proposal of the Shipping Federation seriously as far as



1 (English)

2 training river pilots was concerned?

3 A. I tried to be as serious towards the
4 proposal as they were.

5 Q. Do you consider that harbour pilots,
6 specialized to do the job of docking ships, and pilots
7 who are specialized to handle ships in the canals, for
8 instance, should get the same training as river pilots?

9 A. Unfortunately I would venture to give
10 you an expression of opinion because I did not study the
11 conditions.

12 Q. You did not study the particular
13 situation of docking pilots and canal pilots?

14 A. No.

15 Q. You have spoken of what has proved to
16 be in the years past the long period of apprenticeship
17 of pilots because there was no opening for them to be
18 admitted as practising or effective pilots.

19 A. Yes.

20 Q. Do you think now that with modern
21 systems of making statistics and all that sort of thing,
22 it is possible to arrange a training scheme which will
23 provide just about the required number of pilots when
24 they are needed, or do you feel that this is something
25 that has to be left to chance?

26

27

28

29

30



1 English

2 A. Well, I will give you my opinion on
3 that. When we started this training scheme for your
4 river pilots in Montreal to Quebec we had in mind that
5 it might be a good thing working on a forecast, not
6 too long in advance, because a forecast in time means
7 nothing when it is taken over too long a period, but,
8 let us say a three or a five-year period, that we can
9 anticipate accurately enough the number of pilots that
10 might be needed -- although I didn't force the pilots
11 to accept that because this was just the experimental
12 stage.

13 Furthermore, we have to experiment
14 before making a forecast of that sort, not only in
15 matters relating to economic conditions, not only in
16 matters relating to technological improvements, not
17 only matters relating to the increase of traffic
18 or the decrease in traffic, but also to the capacity
19 of the people themselves, and since we have never
20 experimented such a scheme before we were unable to
21 establish even the least political forecast for the
22 number of failures that the new system of training
23 might produce.

24 That is the reason why, although in
25 theory it might be possible, in practise it was not
26 possible.

27 Q. Mr. Martin, I have just one more
28 question to take up with you in this regard. I would
29 like to refer to Table No. 1-B, at page 61 of the
30 French text?



1 English

2 A. Yes.

3 Q. If you will refer to the penultimate
4 list of figures which is given under the heading of
5 "Time Elapse between official hour of departure and
6 hour of arrival", and so forth?

7 A. Yes.

8 Q. Kingston District, 40.18; Cornwall,
9 44.02, and so forth?

10 A. Yes.

11 Q. We were told by the previous economist
12 who came here, Mr. Cardin, that these figures were
13 intended to indicate the effective time required to
14 complete the pilotage act?

15 A. Yes.

16 Q. Now, what I want to draw to your atten-
17 tion is this:---

18 MR. LALONDE: Over a week obviously.

19 MR. BRISSET: Over a week, yes.

20 Q. You agree with me that the distances
21 that have to be piloted in each of these districts
22 vary; for instance, in the St. Lawrence I think you
23 have over 800 miles?

24 A. Yes.

25 Q. And between Quebec and Three Rivers you
26 have 71 miles?

27 A. Yes.

28 Q. There is a great variation between the
29 distances that have to be covered by the pilots?

30 A. Yes.



1 English

2 Q. Have you noticed in spite of the variance
3 in the time required to perform the pilotage act
4 in these various Districts, the hours of duty per
5 week are not too far apart? For instance, in the
6 Lower St. Lawrence ---

7 A. Yes.

8 Q. --- which is the longest stretch ---

9 A. Yes.

10 Q. --- you have 38.23?

11 A. Yes.

12 Q. While between Quebec and Three Rivers
13 you have 36.02?

14 A. Yes.

15 Q. Where they cover a considerably less
16 distance?

17 A. Yes.

18 Q. The question I want to pose to you is
19 this: Do you agree that it is possible whether you
20 extend or diminish the distance to be piloted by a
21 pilot to perform his pilotage act you can so arrange
22 his workload that it will come to the figure expected
23 in arranging his workload?

24 A. Yes.

25 Q. Let me perhaps be more precise --

26 A. Yes.

27 Q. Let us take the District, Quebec-Three
28 Rivers?

29 A. Yes.

30 Q. Where you will see the figure of 36.02



1 English

2 hours per week?

3 A. Yes.

4 Q. Let us assume that you add to the
5 distance to be piloted some 30 miles?

6 A. Yes.

7 Q. You still in practice can so arrange
8 the work of the pilot that during the week he will
9 still only perform 36.02 hours?

10 A. Surely that is possible.

11 Q. That is the thing that can be done
12 with no difficulty?

13 A. It is possible if you increase the
14 number of pilots and if it is recognized by everyone
15 concerned that this is the total hours he worked for
16 a man under these conditions.

17 EXAMINATION BY MR. JACQUES:

18
19 Q. Coming back to the productivity of a
20 pilot, I understand that you gear the productivity of
21 a pilot to the net tonnage?

22 A. Yes.

23 Q. It is for the sake of clarity and for
24 the sake of relying on a figure which is known to
25 everyone?

26 A. To everyone, and which is constant.

27 Q. Well, I would not agree with you on
28 that. Let us dismiss that for the moment, but do you
29 agree with me when I say it is not necessarily the
30 best figure?



1 English

2 A. This is the best we can use.

3 Q. But this is not necessarily the figure
4 which would truly reflect the productivity of the
5 pilot?

6 A. Yes, it is. Truly -- what do you mean
7 by "truly"? It is hard to say, but I mean as close
8 to the truth as possible.

9 Q. Now, what is the purpose of a transpor-
10 tation company?

11 A. Supposed to make money.

12 Q. That is the end purpose but what is it
13 in business for? What does it do in its business?

14 A. Well, again to make money.

15 Q. Would you say the purpose of a trans-
16 portation company is to provide a service to transport
17 goods?

18 A. Yes, but this is a secondary considera-
19 tion. It is a means whereby they make money.

20 Q. Whereby they make money, but on what
21 would you base the productivity of a transportation
22 company?

23 A. Of a ship or of a company?

24 MR. BRISSET: Of a ship.

25 MR. JACQUES:

26 Q. Of a company?

27 A. Well, I don't know. The productivity
28 capacity of a company, I don't know.

29 Q. On what would you base the productivity
30 of a ship?



English

A. Well, on its capacity, loading capacity.

Q. Regardless of whether a cargo is loaded or not?

A. Regardless, because normally a ship is to be loaded. If it is not loaded, well, this is an abnormal condition and you should not operate under abnormal conditions.

If it is operating because there is a legitimate reason to do so, it is because maybe they don't want to lose their market to their competitors or because at the end it is still a paying proposition.

Q. It is still ---

A. A paying proposition.

Q. You would not consider the total cargo transported in one voyage or over a given period of time an indication of the productivity of a company or a ship?

A. Not at all, sir, because at that time -- the only basis that can be used would be the total revenue derived from the cargo and we don't have those figures.

Q. No, but ---

A. You see ---

Q. Let us please come back to a ship.

Let us forget about ---

MR. LALONDE: The witness was going to



1 English

2 answer.

3 THE WITNESS: That is all right.

4 MR. JACQUES: The witness is capable
5 of taking care of himself.

6 Q. Let us get back to a ship, and you say
7 the productivity of that ship is the net tonnage of that
8 ship?

9 A. It is supposed to be that net tonnage.
10 It is supposed to be because this is one of the measures.
11 It might be the gross tonnage. I don't mind what
12 figure provided it is always the same, what kind of
13 figure -- the same kind of measurement which is taken.

14 This is one and if a ship -- as was
15 the case here -- we have seen that case of the Port of
16 Montreal, we have seen that 21 million gross tonnage
17 gave as a matter of fact in terms of loaded cargo
18 a rate of 11 million.

19 Does that mean that the total revenue
20 derived from the operation in 1961 was less than the
21 year where the cargo equates the net tonnage? I don't
22 think we can infer that from these figures.

23 Q. In transportation don't you have to
24 take into account the fact that you are transporting
25 or you provide a service between two points?

26 A. Yes.

27 Q. And the productivity of the company,
28 would it not be what it transported between two given
29 points over a given period of time?

30 A. Yes.



1 English

2 Q. That is the productivity?

3 A. Oh, no, no, no. I mean in terms of
4 volume. No, no. I would like to stop you there.

5 Q. Yes, go ahead.

6 A. The productivity in terms of volume,
7 visible volume of goods transported but that doesn't
8 mean anything at all. What you will have to take there
9 is: What is the total income derived?

10 Q. What is the meaning of volume then;
11 the money that you make?

12 A. I don't care at all about that provided
13 I make the same amount of money with less cargo or
14 more cargo.

15 Q. Just a minute. You say that a company
16 or a ship is in business to make money so is not the
17 criterion what money you make at the end of the year
18 which shows whether you operated at a profit or not
19 or whether you increased your operation?

20 A. Yes, the amount of money. The net
21 income that you have made at the end of the year is the
22 measure of your efficiency.

23 Q. Granted. Would you say that in
24 business in general, we have had Mr. Cardin explain to
25 us that the productivity of any industry in general
26 is measured by the output of the employee who works
27 on any given machine?

28 A. Yes.

29 Q. What would you take as the productivity
30 of that employee, the capacity of the machine or the



1 English

2 actual production by the employee?

3 A. When you are speaking of the output
4 you are speaking of the physical output?

5 Q. Yes.

6 A. So then you are not dealing with a man
7 performing an invisible service but with a man per-
8 forming a visible service which takes the form of goods
9 produced, tangible goods.

10 Our productivity is calculated on in
11 that specific case -- as I explained this morning, it
12 is taken on the man-hours and volume of goods, tangible
13 goods made.

14 Q. All right, then. Would you tell me
15 why when you talk about the productivity of pilots
16 you gear it to the tonnage at all?

17 A. Because this is the earning capacity.

18 Q. You say that the tonnage is the earn-
19 ing capacity of a ship?

20 A. Surely. This is the basis of tariff
21 and this is the basis of freight.

22 Q. Why do you gear it to the earning
23 capacity of a ship?

24 A. Because this is the basis of freight
25 rates.

26 Q. The net tonnage is the basis of freight
27 rates?

28 A. Surely, the fundamental basis.

29 Q. Yes, but is not the distance and ports,
30 particular ports, a factor also in fixing freight rates?



1 English

2 A. To a certain extent.

3 Q. But not probably to a great extent?

4 A. Not necessarily.

5 Q. Had you studied water transportation?

6 A. Well, I did, once.

7 Q. Had you studied rate fixing?

8 A. No, sir.

9 Q. Had you studied the setting up of
10 conferences, freight conferences?

11 A. No, sir.

12 MR. LALONDE: Have you?

13 MR. JACQUES: Yes, I did.

14 MR. LALONDE: Well, get into the box.

15 MR. JACQUES: I am not the witness.

16 The witness is an expert so I think I am entitled to
17 ask him about his experience.

18 Q. Have you studied air transportation?

19 A. Air transportation of what?

20 Q. Air transportation.

21 A. No, sir.

22 Q. Have you studied rail transportation?

23 A. Yes, I have, sir.

24 Q. You have?

25 A. Once, yes. Many years ago.

26 Q. Have you then ---

27 A. Even bus transportation, too.

28 Q. Bus? I thought I understood you to
29 say "Boston". Bus transportation, all right. Then,
30 how do you rate the productivity of a bus driver?



1 English

2 A. A bus driver?

3 Q. Yes.

4 A. I don't rate a particular bus driver
5 because then he is a factor of cost. If you have to
6 pay on account of competition a bus driver \$2 per hour
7 for a bus driving twenty passengers and through
8 technological improvements you have a bus with forty
9 passengers and the same driver, and you are not forced
10 to change the salary of the driver, you will still
11 pay him \$2 an hour. Then the productivity on the
12 bus, the per cent would be double, because you give
13 the company one hundred per cent more per cent in
14 fares.

15 Q. You base yourself on fares and the
16 actual money brought in?

17 A. Yes, the very same thing with ships.

18 MR. LALONDE: Did you say the earning
19 capacity of the bus or the actual fares collected?

20 THE WITNESS: The earning capacity
21 of the bus.

22 MR. JACQUES: Will you please not
23 interrupt? I should like to ask questions of the
24 witness and not of learned counsel, although I am
25 sure my learned friend is well versed in the economics
26 of transportation.

27 MR. LALONDE: I am only trying to
28 help my learned friend so it will be faster for all
29 concerned, actually.

30 MR. JACQUES: Q. And you would say



1 English

2 that the productivity of a bus driver is not the number
3 of seats available in a bus?

4 A. Well, it doesn't matter at all, because
5 when a company is established at the start it has taken
6 care of that.

7 Q. And for a pilot you will say his
8 productivity is the number of tons available in the
9 ship?

10 A. Yes. I might as well establish on
11 the number of seats because, as I told you, a seat,
12 empty or not, they are still paying because the
13 tariff has taken care of it.

14 Q. Would you say that tons, empty or
15 not, are still paying?

16 A. Oh, sure.

17 THE CHAIRMAN: A ship in ballast, for
18 instance?

19 MR. JACQUES:

20 Q. Now, could not the productivity of a
21 pilot be geared to the gross tonnage rather than the
22 net tonnage?

23 A. Oh, I don't mind. Q.
24 I will tell you why.
25 Pilots have established before this Commission that
26 shipowners may vary the net tonnage of their ship from
27 trip to trip. Therefore ---

28 A. Open deck or shelter deck? Q.
29 or open shelter deck?

30 A. Yes.

Q. Would you agree it would be better to gear



1 English

2 it to the gross tonnage?

3 A. I wouldn't mind at all provided they
4 have always the same kind of measure. It doesn't
5 matter. You would not see much difference at all.
6 There would be the very same trend.

7 Q. No.

8 A. Surely. The total gross tonnage over
9 a period, the very same trend.

10 Q. It would avoid a seeming injustice
11 which has been pointed out to the Commission?

12 A. Oh, if it is a question of morals, then
13 it is not my business.

14 Q. We were told that this was grossly
15 unjust, that a ship which has come in with a certain
16 net tonnage would go out with a different net tonnage
17 and therefore would pay smaller pilotage dues.

18 A. Well, does the pilot try to find
19 other ways to correct that? If they feel they are
20 badly treated ---

21 MR. JACQUES: Now, then, going to ---

22 THE CHAIRMAN: If you are going to
23 change the subject, I will interrupt and we will have
24 ten minutes' break.

25 ---Short recess.
26

27

28

29

30



1 English

2 ---Upon resuming.

3 MR. JACQUES:

4 Q. Mr. Martin, to resume our verbal duel,
5 could we not say this, that a pilot in the services
6 which he renders to a ship is a man who provides his
7 knowledge to take a ship from point A to point B and
8 that his productivity would be the number of ships
9 from point A to point B over a given period of time?

10 A. Well, this might be a basis. Is it
11 the best one? All depends what claim we have in
12 trying to establish the productivity,

13 Q. In your opinion does a pilot guide a
14 ship from point A to point B, or does he guide an
15 aggregate number of tons?

16 A. He is guiding both.

17 Q. There was expressed here the principle,
18 which I should like you to explain, that when produc-
19 tivity increases those involved in the same industry
20 must share or should ^{share} in that increase in productivity
21 and the result of the increase.

22 A. If you permit me to correct you, I
23 think that we have to say not those involved but
24 factors of production. This is a general principle
25 in economics. The production factor in principle
26 should participate in the improvement of the production.

27 Q. Would you say that all factors should
28 participate regardless of whether the increase is due
29 to them or not?

30 A. Yes, sir.



1 English

2 Q. Would you explain that to the
3 Commission, please?

4 A. First of all what are the factors in
5 broad categories which constitute the structure of the
6 cost? You have investments, you have machinery as
7 it is, not considering the machinery as an investment.
8 Under the term "machinery" the ship is considered for
9 that purpose as machinery and all the equipment is
10 considered as machinery. The crew is a factor of
11 cost. These are internal costs and outside factors
12 contributing to the increase of efficiency are also
13 partakers in the benefits. There are factors of
14 costs whether inside or outside. There is even the
15 government.

16 Q. If I might sum up: all factors must
17 share in the increase in productivity?

18 A. Yes.

19 Q. Whether they are inside or outside
20 factors?

21 A. Surely, provided they are cost factors.

22 Q. Would you say then pilotage is a cost
23 factor of the shipping industry as a whole?

24 A. Yes, as well as docking charges are
25 cost factors.

26 Q. Now, you have stated that the St.
27 Lawrence River, and I presume that you included the
28 Seaway, has increased in economic importance in Canada.
29 That is correct?

30 A. Yes.



1 English

2 Q. Would you say now that the St. Lawrence
3 River and the Seaway has reached a point where it is
4 in the public interest to keep it open?

5 A. What do you mean?

6 Q. If it were shut down would it affect
7 the economy of the country to a very high degree?

8 A. Yes, that all depends on the length of
9 the shutdown. If it is for one hour it won't affect
10 very much, but if it is for one month it would affect
11 the economy of the country.

12 Q. Would it be fair to say then that the
13 authorities should not allow anyone to take such steps
14 as would close the Seaway for lengthy periods of time?

15 A. What kind of steps?

16 Q. Any steps that would close virtually
17 the River and Seaway to traffic?

18 A. All depends.

19 Q. On what?

20 A. If you are preserving the fundamental
21 rights of citizens the entire collectivity has to lose
22 for that as long as we believe in freedom.

23 Q. So am I understanding rightly when I
24 say this: Regardless of the consequences if the
25 rights of a group of citizens are at stake one must
26 allow them to protect their rights regardless of the
27 consequences?

28 A. Absolutely so. This is a fundamental
29 principle of freedom and of dignity.

30 Q. Now, you state you at some time made a



1 English

2 survey on the qualifications of pilots, I believe?

3 A. Yes.

4 Q. Their level of general education, and
5 what not?

6 A. Yes.

7 Q. How long ago did you make that survey?

8 A. Oh, we did that two years ago, in 1962,
9 at the same time as we did the other surveys.

10 Q. What have you found the general level
11 of education of pilots to be?

12 A. To my surprise I must admit that it
13 was higher than I expected it was. I would say by
14 memory, because I don't have the figure here, that for
15 a group -- and there were a good many of these pilots
16 who were rather old pilots -- the group came close to
17 the Ninth Grade.

18 Q. That is general education?

19 A. General education.

20 Q. When you studied the apprenticeship
21 system did you make a study of the qualifications and
22 requirements to become an assistant pilot?

23 A. What do you mean by that?

24 Q. Let us take the river pilots. I think
25 everybody must admit they must know something about
26 seamanship?

27 A. Yes, we did.

28 Q. Have you pursued that study to a very
29 high degree?

30 A. Yes. We have looked at the records of



1 English

2 the pilots.

3 Q. And in the course of that study have
4 you found that pilots who had served a longer
5 apprenticeship -- when I say "longer apprenticeship"
6 I would say over four years -- were better than those
7 who had served four years or less?

8 A. No, there was no indication that this
9 was necessarily the case.

10 Q. Now, I showed you this morning an exhibit.
11 Do you have it with you?

12 A. Oh, yes.

13 Q. Would you give me the number of the
14 exhibit, please?

15 A. This is 649.

16 Q. Exhibit 649 is a letter addressed by
17 Captain D. R. Jones to Mr. Meilleux, the Acting Local
18 Supervisor. This is giving instructions to Mr.
19 Meilleux on how to calculate an effective pilot.

20 You are an economist of renown. You
21 are the Dean of Social Studies at the Laval University.
22 Will you tell us what is your opinion of the method
23 outlined in that exhibit?

24 A. As a method to establish or ^{de}define, if
25 you want, what is an effective pilot, it is as good
26 as any other one that might have been taken. I don't
27 know for what reason the Department is trying to
28 define a pilot that way. I don't know what is the
29 purpose of defining a pilot that way.

30 Q. Well, I don't either, but I am interested



1 English

2 primarily in the validity of the method.

3 A. For what purpose do they want to
4 establish the efficiency of a group of pilots con-
5 sidering that pilotage services is not performed
6 by one pilot but is performed by a group of pilots?
7 Is it in order to establish what is an effective
8 pilot -- this might be the purpose. I don't know.
9 If we want for any reason or any motivation to define
10 what is an effective pilot this at first glance seems
11 to be a reasonable way of doing that. Are there any
12 other ways of defining it, better ways? This might
13 be possible but I think one would have to study that
14 very carefully and see if there is any other way,
15 any better way of determining what is an effective
16 pilot.

17 When you are doing that if you take
18 that figure after that to establish the average earning
19 per pilot, this is completely wrong, because the
20 earning is not based on the effective pilot.

21 THE CHAIRMAN: Because earnings are
22 not the average, they are actual?

23 THE WITNESS: That is right.

24 MR. JACQUES:

25 Q. You may have noticed that no account
26 has been taken of days for sick leave in that method,
27 I believe?

28 A. Are you sure? There is a definition
29 which is given here. It is not very clear, but let
30 us say this is the definition: The number of



1 English

2 effective pilots is the number of pilots either
3 available daily for assignment to duty or on regular
4 annual leave but does not include any pilot who was
5 not available for assignment to duty because of
6 sickness, special leave, or any other reason.

7 Q. I am sorry, I was wrong. In the
8 course of your work for the pilots have you had
9 occasion to study the responsibility of the master of
10 the ship as compared with the responsibility of the
11 pilot in charge of the navigation of his ship?

12 A. No, sir.

13 MR. JACQUES: Thank you.

14 RE-EXAMINATION BY MR. LALONDE:

15
16 Q. I want to come to the bus driver which
17 my friend has evoked. If you were to assess the
18 productivity of such a man, you gave the example of
19 a bus with twenty seats and another bus with forty
20 seats, would you assess the productivity according to
21 the increase in seats in the bus or according to
22 whether or not the service was such on the line
23 that the bus is full with twenty passengers and
24 then full with forty passengers? Are you going
25 to take into account the number of seats filled up
26 on the trip or take into account the seating capacity?

27 A. The seating capacity, sir.

28 Q. For the record, my friend has evoked
29 your reputation, but in case some would not know
30 would you give us your degrees first?



1 A. Well, I am a graduate from Laval
2 University, B.A. I was a graduate from the Montreal
3 University in Agriculture where I got a Masters. I
4 am a graduate from Cornell University, Economics,
5 Master of Art Degree.

6 Q. You have been teaching at Laval Univer-
7 sity for several years?

8 A. Twenty-five years this year, sir.

9 Q. And all the time at the Faculty of
10 Social Science?

11 A. Yes, and all the time in Economics.

12 MR. LALONDE: Thank you.

13 THE CHAIRMAN: Thank you, Mr. Martin.
14 Are there any further questions? That is all. Thank
15 you very much.

16 MR. LALONDE: I have one or two points
17 I want to clear up.

18 -

21 -

24 -

27 -

30 -



1 (English)

2 ANDRE PRESSEAU, Sworn

3
4 DIRECT EXAMINATION BY MR. LALONDE:

5 Q. Mr. Presseau, for the record let me
6 ask you this. Are you President of the Corporation of
7 the St. Lawrence River & Seaway Pilots?

8 A. Yes, for the Cornwall District.

9 Q. Were you present when Captain
10 Matheson gave his evidence before this Commission?

11 A. Yes.

12 Q. Do you recall that Captain Matheson -
13 and I refer in particular to pages 12171 and 12172 -
14 mentioned certain increases in rates which took place
15 in 1957 and 1958 and in particular to an increase of the
16 rate from \$65 to \$85?

17 A. Yes.

18 Q. Did you check into the rates?

19 A. Yes.

20 Q. Do you have the rates for that period?

21 A. Yes. The rate was from \$75 to \$85 for
22 river work.

23 Q. That is in 1957?

24 A. 1957? No, that was for 1956; but for
25 1957 it was \$85.

26 Q. And then later on he said that river
27 pilotage was \$165 and the rate for canalling of \$65 was
28 increased to \$85.

29 A. No, canal work was \$165 and river work
30 was \$85.



1 (English)

2 Q. So the rate was the reverse?

3 A. Yes.

4 Q. The higher rate was for canalling?

5 A. That is correct.

6 Q. In his evidence Captain Matheson also
7 declared that he believed about 50 per cent only of the
8 pilots in your district had been members for a while of
9 the international organization of Masters Mates and
10 Pilots. Have you had time to check into this?

11 A. Yes.

12 Q. What did you find?

13 A. When we received the charge from Mr.
14 Johnson from Cleveland everybody was a member of the
15 Union, Local 48.

16 Q. Did this include Captain Downey?

17 A. Yes.

18 MR. BRISSET: I have no questions to put to
19 this witness.

20 THE CHAIRMAN: Thank you, Captain.

21

22 JACQUES MELANCON, Sworn

23

24 DIRECT EXAMINATION BY MR. LALONDE:

25 Q. For the record, Mr. Melancon, will you
26 state your full name and your functions?

27 A. Jacques Melancon, District Supervisor
28 of Pilots.

29 Q. In Montreal?

30 A. In Montreal for the districts of



1 (English)

2 Cornwall, Montreal and Montreal Harbour.

3 Q. Before this Commission there was a
4 statement to the effect that the pilot appointed to take
5 direction of the royal yacht in 1959 was Captain Downey
6 and that he was senior pilot of the district. Would
7 you mind telling the Commission who was the senior pilot
8 at the time, and before that will you tell me if you
9 were supervisor at the time?

10 A. In 1959?

11 Q. In 1959.

12 A. Yes, I was.

13 Q. You were supervisor in 1959?

14 A. Yes.

15 Q. Did you check into your records as to
16 this matter?

17 A. Yes, I did.

18 Q. What did you find?

19 A. I have brought my records with me.

20 Q. Will you inform the Commission as to
21 what the situation was in this respect in 1959. I am
22 referring to the Cornwall district.

23 A. The Cornwall district, yes. My
24 record shows here that at the time I had several pilots
25 employed in regular pilotage work in the district who
26 were senior to Captain Downey.

27 Q. Will you give the names of these
28 pilots and what was the position of Captain Downey with
29 regard to them?

30 A. Excuse me?



1 (English)

2 Q. Do you wish me to put my question
3 otherwise?

4 A. Yes, if you please.

5 Q. I have here Exhibit 742 which was
6 tabled before this Commission giving a list of pilots in
7 the Cornwall district as of February 1963. Obviously
8 between 1959 and 1963 several pilots had retired or
9 died, but I notice on this list that several pilots
10 including Captain Downey appear to have had their
11 licences issued on August 10th 1934. I said several
12 but I should probably say two or three.

13 A. The year 1934 was the year when the
14 then Department of Marine & Fisheries formed the St.
15 Lawrence pilots into the Ottawa Pilotage District and
16 all those who wanted to apply to become pilots came into
17 my office with their credentials. At the time Mr.
18 Rolland was appointed by the Department to go over those
19 credentials and admit those pilots. In fact, those
20 pilots were examined during the period of 1934 to 1935
21 also. When the list was completed we had 192 pilots,
22 if I remember correctly. Of course, many of those
23 pilots had their licences in their pockets but they were
24 continuing as masters and mates of their own ships
25 without using their licence to do regular pilotage work.

26 Q. Was Captain Downey one of these pilots
27 who got their licences on August 10th 1934?

28 A. Yes. At the time Captain Downey was
29 written to by the then superintendent, Mr. Willard - on
30 August 23rd:



1 (English)

2 "I would inform you that your licence
3 as pilot has been received in this
4 office. Please apply at your
5 convenience to Mr. Jacques Melancon,
6 Pilotage Clerk, who will remit same
7 to you after you have signed it in his
8 presence."

9 That was August 23rd 1934. The same letter was written
10 also to Pilot Dussault at the time on exactly the same
11 day, August 23rd, asking Mr. Dussault to come to my
12 office to pick up his licence.

13 Q. Do you know whether a similar letter
14 was sent to other pilots also?

15 A. Yes, as soon as those licences were
16 received all pilots who had applied received their
17 licences.

18 Q. My question is: Do you know if other
19 pilots received the same letter on the same date or
20 their licences on August 10th 1934?

21 A. It could be so because we had several
22 pilots during the day.

23 Q. I notice you have for instance Captain
24 Ernest Chartier who seems to have got his licence on
25 August 10th 1934.

26 A. He probably got his letter at the same
27 time because he was examined on August 3rd.

28 Q. And the same would apply to Captain
29 Walter Downey, the brother of Captain George Downey?

30 A. Walter Downey was examined on July 30th,



1 (English)

2 the same day as Captain George Downey.

3 Q. My question is limited to Captain
4 Dussault who was said to be senior at the time to Mr.
5 Downey. Was Captain Dussault senior to Captain
6 Downey in fact?

7 A. To my point of view he was senior to
8 Captain Downey because when Pilot Dussault received his
9 pilotage licence he kept in the circles of piloting
10 ships whereas Captain Downey, as shown here by his
11 reports in the file, went on for three or four years as
12 a master without doing any regular pilotage work.
13 Pilot Dussault did regular pilotage work as from the
14 start.

15 Q. In 1959 was Captain Dussault the only
16 one who was senior to Captain Downey in this respect?

17 A. No, I have here some records of pilots
18 who have died and retired since then, pilots who were
19 older and probably were examined around the same date.

20 Q. Would you give these names for the
21 record?

22 A. I have Alcide Lefebvre, examined
23 August 3rd 1934.

24 Q. Was he still a pilot in 1959?

25 A. Yes, he was a pilot until 1960, in the
26 spring.

27 Q. Yes?

28 A. And also Michael Kenney was a pilot
29 until he resigned in 1960.

30 Q. Any more?



1 (English)

2 A. Raoul Germain was a pilot until the
3 spring of 1962.

4 Q. Yes?

5 A. Clarence Ravel died in 1961.

6 Q. Any more?

7 A. Pilot St. Armand who retired at 65 in
8 1963.

9 Q. All the names you have mentioned are
10 names of people who would have been active in the pilot-
11 age district before Captain Downey?

12 A. Active pilots in the district, yes.

13 Q. Before Captain Downey?

14 A. They were examined at about the same
15 time and they kept in the ranks of regular pilots.

16 Q. So, in that sense they were active
17 before Captain Downey?

18 A. Yes, because Captain Downey kept on as
19 master on the "Red River".

20 Q. Was Captain Dussault older than Captain
21 Downey?

22 A. Yes, he was born in 1889 and Captain
23 Downey was born in 1902.

24 MR. LALONDE: This was a very minor point,
25 My Lord, but I wanted to clarify it as we were sitting
26 in Montreal.

27 THE CHAIRMAN: Why was it that Captain
28 Downey had licence No. 1?

29 THE WITNESS: That is nothing to do with my
30 department; I do not know. I know I was in my office



1 (English)

2 when Mr. Rolland came to the office to examine those
3 pilots and I remember Captain Downey came in at the
4 same time with his brother, and that was quite a few
5 days after we started to examine some pilots.

6 MR. JACQUES: So it is just a question of
7 words. What does "senior" mean?

8 MR. LALONDE: I am informed, My Lord, that
9 numbers do not mean much in this respect. The pilots
10 are saying they all have the wrong numbers.

11 MR. JACQUES: Perhaps the term should have
12 been "senior effective pilot"?

13 MR. LALONDE: I have no other questions.

14 THE CHAIRMAN: Thank you very much, Mr.
15 Melancon.

16 (The witness withdrew.)

17 MR. LALONDE: I have no further witnesses,
18 My Lord.

19 I would like to thank the Commission for its
20 patience all these months of sitting in Montreal and
21 Quebec City and through all these days of sitting when
22 the federations of pilots and the corporations have
23 presented their evidence. I wish to thank the
24 Commission and also the personnel, and learned counsel
25 for this Commission for their cooperation and goodwill
26 through the presentation of our evidence. Obviously
27 we will be at the disposal of the Commission for any
28 further information which the Commission might require
29 later on, especially if any other witnesses might be
30 required by the Commission; we will be glad to make them



1 (English)

2 available. There might be some additional evidence
3 brought in Ottawa subsequent to the presentation of
4 other evidence.

5 THE CHAIRMAN: I was afraid when I heard you
6 that you were not coming to Ottawa!

7 MR. LALONDE: You should be afraid; I will
8 be in St. Catherine's in two weeks!

9 MR. BRISSET: I would like to join my friend
10 in expressing thanks to the Commission for listening to
11 our side of the story too. I am afraid I will have to
12 impose because I have further documents which have just
13 come to my hand.

14 Subject to checking with my learned friend
15 I would like to file a series of telegrams sent by the
16 Conseille d'Administration of the Corporation of Quebec
17 Pilots, dated respectively April 3rd and April 4th to all
18 pilots of the Quebec City district calling them to
19 special general meetings; a telegram addressed to all
20 pilots by the Conseille d'Administration of the
21 Federation of the St. Lawrence Pilots calling them for
22 meetings at Three Rivers; and a telegram sent by the
23 Minister of Transport dated April 11th to all pilots who
24 were then on strike pointing out particularly that the
25 representatives of the pilots had been informed that the
26 recovery of administration costs was a system or a
27 scheme completely abandoned by the Minister and that this
28 advice had been given to the representative of the pilots.

29 ---EXHIBIT NO. 916, en liasse: Telegrams.

30



1 (English)

2 THE CHAIRMAN: We will see that these are
3 established in Ottawa from the files.

4 MR. JACQUES: Mr. Gaston Dussault, who
5 signed these telegrams, is available to give evidence
6 to the effect that he sent those telegrams.

7 THE CHAIRMAN: I do not think we need to hear
8 that evidence.

9 Are there any further matters? As there
10 seem to be no further matters the Commission's hearings
11 will be adjourned to St. Catherine's, Ontario.

12

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1 THE CHAIRMAN: So this concludes the
2 Montreal hearings that we set to take place in Montreal
3 in June and that were expected to run about four weeks
4 and a maximum of five weeks. In any event it was
5 quite interesting and we learned a lot and, of course,
6 it is only I would say two-thirds of the question.
7 The others will be given to us in Ottawa when we meet
8 at the public hearing in Ottawa and so I thank you very
9 much for the co-operation of everyone. We did appreciate
10 it.

11 Now, we will adjourn to St. Catharines
12 on Monday the 9th of March, 1964 and we will sit at
13 10:00 in the Police Administration Building. We will
14 be there for one week.

15 The next week we will be in Toronto
16 where we will be sitting in the former Board of Educa-
17 tion Building. We will be there for two weeks and
18 then we will have another recess and back again for
19 two or three weeks in Toronto.

20 MR. LALONDE: My lord, did you say
21 we would be sitting for two more weeks in March in
22 Toronto?

23 THE CHAIRMAN: One week in St. Catharines
24 and one week in Toronto and then a two-week recess
25 and then we will be two or three more weeks in
26 Toronto. We will be in Toronto on March 16th and
27 then we will be back in Toronto on April 6th for three
28 weeks.

29
30 ---Whereupon the hearing adjourned.

BINDING SECT.

MAY 2 1972

